

TITLE OF REPORT: Elective Home Education Strategy

REPORT OF: Allison Elliott, Interim Strategic Director, Care, Wellbeing and Learning

Purpose of the Report

1. This report seeks approval for the revised Elective Home Education (EHE) Strategy.

Background

2. Parents have a legal right to choose to home educate their children (1944 Education Act). Elective Home Education (EHE) is the term used to describe parents' decision to provide education for their children at home instead of sending them to school.
3. Local Authorities have a statutory duty, wherever possible to establish the identities of those children who are being home educated. However parents are not legally required to give the local authority access to their home.
4. The impact of this is that local authorities can in some circumstances encounter barriers in carrying out their statutory duties 'to establish the identities, so far as possible, of children in their areas who are not receiving suitable education'.
5. In Gateshead parents who home educate their children tend to fall within two broad groupings. Those parents who choose to home educate because they feel that their children will receive a 'better' quality of education at home. The second group consist of parents who have chosen to home educate to avoid confrontation with schools, the local authority or their own children but for whom there may be welfare concerns in relation to educating their child at home. In Gateshead the majority of parents work with the Council, however, there are some families who choose to work outside of the Council, refusing visits from officers responsible for monitoring children who are electively home educated or refusing to provide evidence that their children are being suitably home educated.
6. The revised Elective Home Education Strategy sets the responsibilities of parents, schools/academies and the Council in supporting parents who choose to educate their children at home as well as a range of services available to support families who choose to home educate.

Proposal

7. This revised strategy sets out responsibilities for parents, schools and the Council in relation to elective home education.

Recommendations

8. It is recommended that Cabinet approves the revised Elective Home Education Strategy as set out in appendix 2.

for the following reason(s)

- (i) To enable the Council and its partners to agree an effective Elective Home Education strategy in order to support parents who chose to home education while ensuring that systems are in place to monitor and support (where it is possible) home education.

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APPENDIX 1

Policy Context

1. This proposal supports the vision for Gateshead as set out in Vision 2030 and The Council Plan 2015-2020: “Local people realising their full potential, enjoying the best quality of life in a healthy, equal, safe, prosperous and sustainable Gateshead”. This means that:
 - we will have well educated communities that make the best use of lifelong learning, achieving this through improved educational attainment.
 - we are a borough of high achievers, driven by aspiration and creativity through increased learning and development.
 - children, young people and vulnerable adults that are safe and supported, where those who need help have access to appropriate joined up services that make a difference to the quality of their life.
2. Education is compulsory in England for children from the start of the term following the child’s 5th birthday until the last Friday in June of the academic year in which the child is 16. From June 2013, the raising of the participation age meant that young people were required by law to engage in education, employment or training until their 17th birthday. This increased to 18 years of age in 2015 (Education and Skills Act 2008).
3. Article 28 of the United Nations Convention on the Rights of the Child (UNCRC) recognises the right of the child to an education. In England, education is compulsory and it can be provided at school ‘or otherwise’ (as set out in the 1996 Education Act, section 7). The responsibility for the provision of a child’s education rests with their parents who also have a duty to ensure that any education provided is “efficient”, “full time” and “suitable”.
4. Parents have a right to educate their children at home (Section 7 of the Education Act 1996). Elective Home Education (EHE) is the term used to describe parents’ decision to provide education for their children at home instead of sending them to school. Parents in Gateshead who home educate use the term ‘home educated’ or ‘home tutored’ when referring to educating their child at home. Elective Home Education is different from home tuition provided by the local authority or education provided by a local authority other than at school.
5. Parents' right to educate their children at home applies equally where a child has special educational needs (SEN) (see Section 319 of the Education Act 1996), regardless of whether or not they have a Statement of Special Needs or an Education Health Care Plan.

Background

6. As of December 2015, for the current academic year 2015/16, in Gateshead there are 53 children who are being home educated. The breakdown of children who are/have been in receipt of home education over the past two years is as follows:

	2014/15	2015/16 (Dec 15)
N	-	1
Recp	3	2
Y1	7	3
Y2	4	5
Y3	4	3
Y4	3	5
Y5	7	3
Y6	1	9
Y7	6	2
Y8	5	6
Y9	8	5
Y10	2	4
Y11	13	5
Total	63	53

7. This is a slight decrease from the previous academic year, in part because 13 Year 11 young people have moved on to post-16 education provision and also numbers tend to increase throughout the academic year.
8. There are a number of reasons that parents might decide to home educate their child can which include:
 - distance or access to a local school
 - religious or cultural beliefs
 - philosophical or ideological views
 - disaffection with the system and/or feeling of unreasonable expectations being placed on their child
 - bullying
 - a short term withdrawal for a particular reason
 - a child's unwillingness or inability to go to school
 - parents perception that their child's special educational needs are not being met by the school
 - a parent's desire for a closer relationship with their child
9. The Council's primary interest does not lie in the reason for choosing home education, but in ensuring that all children, including those educated at home, are receiving an education that is "efficient", "full time" and "suitable".
10. The Education Support Service monitors the education provided by parents who home educate their children on an annual basis. For the majority of children, it is felt that the education they are provided with is "efficient", "full time" "suitable to the age, ability and aptitude of the child", and "suitable to any special educational needs".
11. Over the past several years, however, there have been a small number of families who have chosen to home educate but for whom the EHE Team has concerns. This might be down to a number of reasons; including but not exclusively, poor attendance while at school, moves of house and/or moves of school, no contact with the child by any professional over a period of time (6-12 months), involvement in the Missing, Sexually Exploited and Trafficked Group (MSET), Multi-agency Risk Assessment Conference (MARAC), the Family Intervention Team (FIT), Youth Offending Team (YOT) and/or Children and Families services.
12. The Education Support Service has therefore established multi-agency termly meeting to discuss the families of concern with their partners in health and social

care in order to ensure that the wellbeing of these children is not placed at risk because they are home educated.

13. In order to further ensure that families who choose to home educate their children are fully aware of their legal responsibilities as well as the services and support which is on offer to them from health, education and social care the EHE strategy has been revised and updated.
14. In updating the EHE strategy, education is working with health and social care to provide an overview of the services across the Council which are on offer to all families including those who choose to home educate as well as providing the procedures that parents and local authorities must adhere to in relation to home education.
15. The revised strategy includes information on support which can be provided from Children Centres; health, Connexions and the Family Intervention Team.

Consultation

16. Consultation on the EHE strategy was held between the 29 February 2016 and the 18 March 2016. Information was sent to all parents who the local authority knows are home educators and relevant local authority staff.
17. Four responses were provided; one from a local councillor, one from a parent who used to home educate, one from a parent who currently home educates and one from a home education consultant.
18. Responses fell into three categories;
 - The format of the strategy, including the layout, clarity of different sections, clarity of meaning of phrases
 - Legal points
 - Varying perceptions on the content;
 - The use of a flowchart would be good
 - The use of a flowchart confuses things
19. Where appropriate changes have been made to the strategy to incorporate the various comments made.
20. The Cabinet Members for Children and Young People have been consulted.

Alternative Options

21. The alternative option would be not to have a strategy; however, this would make it difficult to co-ordinate best practice in Gateshead and to support parents in their choice to home educate their children.

22. Resources:

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that there are no financial implications resulting from this report

b) Human Resources Implications – There are no specific implications arising from this report

c) Property Implications - None

23. **Risk Management Implications** - There is a very small potential risk in relation to child welfare; in relation to those families that we are unaware of who choose to home educate their children.
24. **Equality and Diversity Implications** - Article 28 of the United Nations Convention on the Rights of the Child (UNCRC) recognises the right of the child to an education. In England, education is compulsory and it can be provided at school 'or otherwise' (as set out in the 1996 Education Act, section 7). The responsibility for the provision of a child's education rests with their parents who also have a duty to ensure that any education provided is "efficient", "full time" and "suitable".
25. All children, young people and their families have a right to equality of opportunity in terms of accessing support, advice and guidance
26. **Crime and Disorder Implications** – none
27. **Health Implications** - For children who we are unaware of who are being home educated, there is a possibility that they potentially lack access to in-school screening, education and medical interventions via the school nurse.
28. **Sustainability Implications** - None
29. **Human Rights Implications** - Article 2 of the first protocol to the convention provides that no person shall be denied the right to education and provides parents with a right to ensure such education is in conformity with their own religious and philosophical convictions. However, this right is heavily qualified to the effect that it must be compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure
30. **Area and Ward Implications** - This proposal will affect all wards.

Background Information

31. The following background papers have been used in the compilation of this report:
- 2004 Every Child Matters
 - Children Gateshead 2014-17
 - Equality Act 2010
 - Gateshead Council's Corporate Plan 2015-20
 - Gateshead Council's Vision 2030
 - Working together to safeguard children March 2015
 - Elective Home Education Guidelines for Local Authorities 2007
 - Badman Report 2009
 - The Exclusion Guidance (January 2015)

- House of Commons Education Committee Report Support for Home Education (2012)
- Attendance Strategy 2016
- Children missing education, statutory guidance for local authorities (2015)
- Ensuring Children's Right to Education (2015).



Elective Home Education Strategy

2016 - 2020

Elective Home Education Strategy

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Gateshead's vision for children and young people is that they are empowered and supported to develop to their full potential and have the life skills and opportunities to play an active part in society. (Vision 2030)

Introduction

Article 28 of the United Nations Convention on the Rights of the Child (UNCRC) recognises the right of the child to an education. In England, education is compulsory and it can be provided at school "or otherwise" (as set out in the 1996 Education Act, section 7). The responsibility for the provision of a child's education rests with their parents who also have a duty to ensure that any education provided is "efficient", "full time" and "suitable".

Parents have a right to educate their children at home (Section 7 of the Education Act 1996). Elective Home Education (EHE) is the term used to describe parents' decision to provide education for their children at home instead of sending them to school. Parents who chose to home educate their children are required to provide an efficient, full time education suitable to the age, ability and aptitude of the child.

The following strategy has been written to provide services, schools/academies and parents who chose to home educate with an overview of the procedures that parents, schools/academies and Local Authorities must adhere to, in relation to home education. It also provides information on a variety of services across the Local Authority, which are on offer to all families including those who chose to home educate.

Principles

Gateshead Local Authority seeks to ensure that all children, young people and their families receive the support that they need, to ensure that they are able to develop to their full potential. Parents who chose to home educate are still able to receive support from a range of services (should they want to) which are available across the borough.

As a council, we recognise that Elective Home Education is a parental right, which requires significant commitment. We aim to develop positive and supportive relationships with parents based on trust and mutual respect, working together, to ensure the young person's full potential is reached. We welcome input from home educating families/carers and home education organisations, in developing and reviewing our Elective Home Education Strategy.

This strategy aims to inform Gateshead Local Authority Officers, schools/academies, parents, carers, Guardians and other related agencies about the services on offer as well as the policy and procedures to be followed where parents, legal carers or guardians make the choice to educate their children otherwise than at school, usually at home. The term "parent" is used throughout this strategy to include all those with parental responsibility.

Gateshead seeks to ensure that its policy and procedures on Elective Home Education are clear, consistent and non-intrusive. The strategy does not apply to children receiving alternative educational provision from the Local Authority because they are not attending school as a result of illness, exclusion or other reasons known to the Education Support Service.

Parents may choose to home educate for various reasons. The following list is not exhaustive, but sets out common reasons parents may have for making this choice:

- Distance from or access to a local school
- Religious or cultural beliefs
- Philosophical or ideological views
- Dissatisfaction with the system
- Bullying
- A short term intervention for a particular reason
- A child's unwillingness or inability to go to school
- Special Educational Needs
- Parents' desire for a closer relationship with their children

The Local Authority's primary interest does not lie in the reason for choosing home education, but in ensuring that all children, including those educated at home, are receiving an education that is "efficient", "full time" and "suitable".

Children and young people whose parents choose to educate them at home are not registered at a school (mainstream, special, academy or pupil referral unit (PRU)). Parents who chose to home educate their child assume financial responsibility for their child's education. In contrast to children who attend a maintained school or academy, children who are home educated do not receive any funding from the government directly to parents or via the Local Authority to provide for their education.

The Children Act 2004 places a duty on all agencies to work together to promote the welfare of children and to share information appropriately. This is further supported by "Working Together to Safeguard Children" 2015. This principle underpins this strategy and there is an expectation that where necessary all agencies and professionals will work together and with parents to ensure that all children are receiving an education that is efficient, fulltime and suitable.

This document sets out the Local Authority's strategy with respect to the following:

- The legal position regarding Elective Home Education
- The rights and responsibilities of parents
- The responsibilities of the Local Authority and procedures which will be followed by the Local Authority when a family choose to home educate
- School Responsibilities
- EHE and Safeguarding
- EHE and children with Special Educational Needs
- EHE and Traveller Children
- Services on offer to parents from
 - Children Centres
 - Health
 - Connexions (post 16 progression)
 - Family Intervention Team
- Reviewing procedures and practices
- Complaints procedures

Elective Home Education and Education

The strategy has been written with reference to the guidance *“Elective Home Education Guidelines for Local Education Authorities”* which were published in November 2007 following widespread public consultation. The policy and procedures should be read with reference to the relevant legislation outlined in Section 2 of the policy and the local authority’s *Attendance Strategy* and *“Children Missing from Education Strategy*. Other relevant publications include *“Children missing education, statutory guidance for local authorities (2015)”* and *“Ensuring Children’s Right to Education (2015)”*.

The responsibility for a child’s education rests with their parents. Education is compulsory in England for children from the start of the term following the child’s 5th birthday until the last Friday in June of the academic year in which the child is 16. From June 2015 the raising of the participation age will mean that young people will be required by law to engage in education, employment or training until their 18th birthday. (Education and Skills Act 2008).

The European Convention on Human Rights, Article 2 of Protocol 1, which 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 rights of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.”

Section 7 of the Education Act 1996 states 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.”*

Section 9 of the Education Act 1996 states that

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

Elective Home Education and Parental Rights/Responsibilities

As outlined, parents have a legal right to home educate their child. The key definitions of such an education are that it must be *“efficient”, “full time”* *“suitable to the age, ability and aptitude of the child”,* and *“suitable to any special educational needs”*.

This definition gives parents considerable freedom in determining the scope of education provided and is not prescribed by the 1996 Education Act.

Case law has however established some clarity about the interpretation of these words.

“Efficient

Education is considered to be *efficient* if it achieves that which it sets out to achieve.

“Suitable”

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 chooses to do so”.

Education has also been ruled to be suitable *“if, and only if, the education is such as:*

- (i) to prepare the child for life in modern, civilised society, and*
- (ii) to enable the child to achieve his full potential”*

There is no legal definition of what constitutes a *“full-time”* education, although children in school usually spend between 22 and 25 hours working each week for 38 weeks of the year. However *“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 parent/educator and the types of educational activity which the child follows may be varied and flexible.

There is no legal requirement for home educating parents to:

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

The particular conditions relating to the home education of children with Special Educational Needs are set out later in this strategy.

When parents engage a third party (e.g. tutor) to deliver part of their child’s education, they are responsible for ensuring that the person is appropriately qualified and suitable, including Disclosure and Barring Service (DBS) checks.

When parents elect to home educate, they assume full financial responsibility for their child’s education, including the costs of private tuition, courses and public examinations.

Elective Home Education and School/Academy Responsibilities

Where a child has never been registered at a school/academy and is being home educated, the parent is under no legal obligation to inform the Local Authority of the child's existence or the fact that they are home educating, although many parents do so voluntarily. If any Local Authority officer becomes aware of such a situation, they should forward any details known, to the EHE Team.

Parents are not legally obliged to inform the Local Authority directly if they make the decision to home educate (unless the child is a pupil at a special school) but where they are uncertain about whether they want to home educate, early contact with the EHE Team can help the parents make an informed decision and satisfy the Local Authority that parents are making suitable arrangements for the child's education.

If a child is registered at a Local Authority school and/or an academy or free school and the parent approaches the school/academy to discuss the possibility of home educating their child, the school/academy should respond to the parent positively and constructively.

Once the parent has decided to home educate, they must inform the school/academy in writing. Good practice would suggest that the school/academy should try and resolve any issues that the parent might have with the school/academy which has led to the decision to home educate.

The DfE guidelines make it clear that:

“Schools must 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 statutory guidance. If the pupil has a poor attendance record, the school and local authority must address the issues behind the absenteeism and use the other remedies available to them.”

In order to provide as much support as possible to parents, the school/academy should encourage the parent to discuss the situation with the EHE Team before deregistration of their child takes place. Parents are however, under no legal obligation to do so.

When a school/academy 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/academy the Headteacher should ensure that the pupil's name is removed promptly from the admissions register in accordance with Section 8(1) (d) of the Education (Pupil Registration) (England) Regulations 2006.

Regulation 12 (3) the Education (Pupil Registration) (England) Regulations 2006 states that:

“the “proprietor” (Headteacher) of the school must, make a return to the Local Authority for every such pupil giving the full name of the pupil, the address of any parent with whom the pupil normally resides and the ground upon which their name is to be deleted from the admission register as soon as the ground for deletion is met in relation to that pupil, and in any event no later than deleting the pupil's name from the register”.

In practice the school/academy must inform the EHE Team as soon as a child has been withdrawn from school and parents have indicated in writing that they intend to home

educate. The school/academy must forward a copy of the letter from the parent and written confirmation of the date when the pupil's name is to be removed from the register.

The responsibility is on schools/academies to act promptly in such circumstances.

At this point the school/academy could provide the parent with the contact details of the EHE Team, should parents wish to contact the EHE Team independently to inform them that their child is being home educated. The school/academy should copy the parent into the notice to the Local Authority. The school/academy database must be updated immediately by the school/academy through the Data Exchange process.

When the EHE Team receives formal confirmation from a school/academy or directly from a parent that a child is being home educated, the EHE Team will contact the school/academy to ensure that the child has been deregistered and to obtain any relevant background information. A check will be made on the School database to ensure that deregistration has been correctly recorded and an EHE referral will be created in the database (EMIS) which will enable the Local Authority to track communication with the home educating family.

The EHE Team will contact parents offering a home visit to discuss their child's education and to offer the parent advice and guidance; including signposting to other services where appropriate.

Elective Home Education and Local Authority Responsibilities

The Local Authority has no statutory duties in relation to monitoring the quality of home education on a routine basis, but do have the responsibility to ensure that children receive a suitable education.

The Local Authority has a duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children residing in Gateshead of compulsory school age, who are not on a school roll and **are not** receiving a suitable education otherwise than being at school.

In order to fulfil this duty the Local Authority will adopt a multi-agency approach to ensure that all services working with children are aware of the Local Authority's duty and that consideration is given to safeguarding and promoting the child's welfare in those circumstances that might warrant it. Local Authority services include, but not exclusively, Health, Housing, Children and Families, Connexions, Family Intervention Team (FIT), Youth Offending Team (YOT), School Inspectors, Legal Intervention Team (attendance) and the Elective Home Education Team. The Local Authority does maintain an up to date record of all those children who are known to be Home Educated.

Once informed by the Headteacher of a parent's intention to remove their child from school/academy, the EHE Team will need to be satisfied that there are no specific issues which could prevent a child being deregistered at that time, such as:

- The child being subject to a School Attendance Order which has not been revoked.
- The child is the subject of a supervision order
- The child is attending a special school

In other circumstances as outlined below, the Local Authority would want to work with parents to support them in providing the most appropriate provision for their child;

- The child has been referred to social services or the police for child protection concerns and the matter is under investigation
- The child is subject to a child protection plan.
- There is a history of condoned absence, unmanaged truancy or other concerns that may require further Local Authority intervention by the Legal Intervention Team (education) or social care professionals.

The EHE Team will work positively with parents to ensure that a suitable provision is provided and that it is in the best interest of the child to continue with this provision. The Local Authority recognises that there is no legal requirement to visit the home or meet the child being educated. However parents may welcome the opportunity to discuss the provision that they are making for their child's education either through a visit to their home or a mutually convenient location.

Gateshead Local Authority respects the fact that initially parent's plans may not be detailed and the EHE Team will give a reasonable timescale for parents to develop their provision and then further contact will be made.

Where parents agree to a home visit, the EHE Team will meet with parents and the child, usually within four weeks, to offer informal advice and guidance on EHE and to inform the parents about the Local Authority's processes in relation to EHE.

Where parents decline a home visit, the EHE Team will offer to meet the parents at an alternative venue or through correspondence, will inform parents of alternative appropriate ways of satisfying the Local Authority that a suitable, efficient, full-time education is being delivered. This may be in the form of a report and examples of work or evidence from a third party confirming a suitable provision is provided.

When considering provision the EHE Team will expect provision to include the following characteristics, as described in DFE guidelines:

- consistent involvement of parents or other significant carers – it is expected that parents or significant carers would play a substantial role, although not necessarily constantly or actively involved in providing education
- recognition of the child's needs, attitudes and aspirations
- opportunities for the child to be stimulated by their learning experiences
- access to resources/materials required to provide home education for the child – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults.

These characteristics will be reflected in a report completed by the Local Authority regarding the provision. This report will be shared with parents if requested; otherwise parents will be advised whether or not the provision provided is found to be 'suitable and efficient'.

Once the EHE Team has established that provision is "suitable and efficient", contact will be made on an annual basis.

When provision is not suitable and efficient

Section 437(1) of the Education Act 1996, states that Local Authorities shall intervene if it appears that parents are not providing a suitable education, although as previously discussed 'suitable' is not easily defined.

And

The Education Act 1996 further requires the Local Authority, in cases where it appears a child of compulsory school age is not receiving suitable education, to serve a notice in writing on the parent requiring her/him to satisfy the authority within a specified period that the child is receiving such education.

When contact with a parent cannot be established a letter will be sent requesting a home visit or a report be provided, to ensure provision is suitable. If evidence is not suitable or no contact is made a meeting will be offered and procedures followed, as highlighted below.

If a suitable provision is not being provided the EHE Team will advise the parent, in writing, of the Local Authority's concerns and make recommendations with timescales to ensure that the child receives a suitable education. The parent will also be advised of the possible consequences of not providing such an education, both for themselves and in terms of the impact on the child. The EHE Team will continue to offer advice and guidance to support parents in delivering a "suitable and efficient" education.

Where it is clear following all reasonable attempts to address concerns that progress in providing a suitable education has not been made, the EHE Team will discuss the matter with the Education Support Service manager and the parent will be invited to a meeting to discuss, the provision further.

If the Local Authority has evidence that the provision that parents are providing isn't suitable, parent(s) will be asked to identify a school which they feel would meet the needs of their child. This would be accomplished through a referral to the Fair Access Panel where a school place would be offered.

A second option of support may be to issue a School Attendance Order. In this instance a notice of intend would be served to the parents. A school could then be allocated through the Fair Access Process.

Gateshead's policy is not to routinely make use of these legal powers but to aim to resolve any issues which may arise, through discussion and support and possibly the implementation of a CAF and multi-agency working.

The EHE Team will aim to keep a constructive relationship with parents during this process and to act in the interests of the child's welfare. In a minority of cases the outcome of this process may result in School Attendance Order proceedings being initiated. The aim will always be to resolve issues without recourse to this.

At any stage where the EHE Team or parent identifies concerns about the child's welfare, concerns will be passed to appropriate agencies and may be discussed at a multi-agency meeting to collectively agree a course of action.

Elective Home Education and Safeguarding

The Local Authority has the statutory duty to make arrangements to establish the identities of children in their area who are not receiving a suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll but does not apply to children who are being educated at home.

Gateshead Local Safeguarding Children's Board (LSCB) Procedures
<http://proceduresonline.com/gateshead/lscb/> (Sections 5. Children in Specific Circumstances, 1.4.12 Children Missing from Education).

The Local Authority has responsibility to bring together agencies and individuals to be proactive in safeguarding and promoting the welfare of children. Concerns regarding child protection should be immediately referred to the LA using established protocols. The LA must take action to enable cases of suspected or identified abuse to be properly considered or pursued. Child abuse can include physical injury, neglect, including emotional neglect, continued ill treatment and sexual abuse.

Schools/academies have a very important role in monitoring the wellbeing of their pupils and sharing concerns with, or making referrals to Children's Services when a child is believed to be 'in need' or abuse or neglect is suspected.

Some children who are being educated at home could be in a position where they are at risk of harm. If they are not attending a school/academy, it is more difficult to identify risks to these children.

It cannot be discounted that a parent might choose to educate their child at home in order to confine them to the home and prevent disclosure about abuse.

The Local Authority will aim to support families who chose to home educate by attempting to engage proactively with all home educating parents and children and will aim to see, speak with and establish the views of the children who are home educated. Although it is recognised that parents are under no legal obligation to allow their children to be seen.

Children in a school/academy may already be causing concern. A child may have been or is the subject of a CAF in this case the EHE Team will liaise with the Lead Professional. If the child is subject to a Child Protection Plan the EHE Co-ordinator will make immediate contact with Children's Services completing the LA multi-agency referral form.

On being made aware of a pupil who is to be educated at home a number of checks will be carried out by the EHE Team; this will involve contact with the previous school(s), Children's Social Care, Health and any other relevant agencies to clarify if there are any concerns about the arrangement to home educate. The information received will inform further actions and potential support if needed.

Elective Home Education and Special Educational Needs (SEN)

Parents' right to educate their child(ren) at home applies equally where a child has special educational needs (SEN) (see Section 319 of the Education Act 1996). This right is

irrespective of whether or not the child has Statement of Special Needs or an Educational Health Care Plan (EHCP).

If the child attends a special school/academy the school must inform the Local Authority before the child is deleted from the school/academy roll and the Local Authority will need to consider whether EHE is suitable before amending the EHCP or the Statement of Special Needs. The child's name will remain on the school/academy roll until the Local Authority agrees that parents are able to provide a suitable education.

Local Authority approval for removal from a school/academy roll is not required for children with a Statement of Special Needs or an EHCP who are registered at a mainstream school/academy. Where parents elect to home educate a child with Statement of Special Needs or an EHCP who is registered at a mainstream school/academy, the school/academy will remove the pupil from roll in the same way, as for children who are not the subject of a Statement of Special Needs or an EHCP. Parents should submit a letter to school/academy indicating their intention to EHE. Following receipt of written confirmation from the parent that educational provision is being made, the school/academy should remove the child from roll.

It remains the Local Authority's duty to maintain a Statement of Special Needs or an EHCP, to review it annually and ensure that the child's needs are met through EHE, following procedures set out in the SEN Code of Practice.

Where the Local Authority is satisfied that the child's parents have made suitable arrangements, it does not have to name a school/academy in the child's Statement of Special Needs or EHCP though it should state the type of school/academy it considers appropriate and go on to state that "parents have made their own arrangements under section 7 of the Education Act 1996". The Statement of Special Needs or an EHCP can also specify any provision that the Local Authority has agreed to make under section 319 to help parents to provide suitable education for their child at home.

If the parents attempt to EHE falls short of meeting the child's needs in relation to an efficient, full-time education, suitable to the age, ability and aptitude and to any special educational need the child may have as defined in section 7 of the Education Act 1996 the Local Authority could conclude that they are **not** absolved of their responsibility to arrange the provision in the Statement of Special Needs or an EHCP and the Local Authority should continue to maintain provision.

Section 324(5) (a) of the Education Act 1996

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

If it is established that a suitable education is being provided the Local Authority will follow its procedure, as set out in this policy, that apply to all EHE children. In addition, on an annual basis a joint visit with an education psychologist will be undertaken, to ensure that parents are able to fulfil the requirements of the Statement of Special Needs/EHCP. This information will then feed into the review process.

A parent who is educating their child at home may ask the Local Authority to carry out a needs assessment of their child's special educational needs and the Local Authority must consider the request within the same statutory timescales and in the same way as for all other requests. The views of the designated medical officer for Special Educational Needs should be sought by the Local Authority where a child with a statement is educated at home because of difficulties related to health needs or a disability. The EHE Team will direct parents of home educated children with SEN or queries about the assessment process to Gateshead SENDIAS for appropriate advice and guidance.

Elective Home Education and Traveller Children

Gateshead Local Authority is sensitive to the distinct culture, ethos and needs of Gypsy, Roma and Traveller communities. Traveller parents have exactly the same right to educate their children at home as other families and will be treated in exactly the same way as any other families.

The Local Authority will take a broad and holistic view of the education being provided with reference to their communities' culture and lifestyle, when considering the suitability of the education.

As some Traveller families are highly mobile, the EHE Team will work closely with the Gateshead Ethnic Minority and Traveller Achievement Service (EMTAS) to ensure that accurate information about the educational arrangements of traveller children of school age is exchanged and that the children's welfare is being safeguarded.

In some instances Traveller pupils may be dual registered with a school in another part of the country.

If a Local Authority officer becomes aware of a traveller family who is home educating, a referral should be made to the EHE Team who will ensure that the information is passed to the Ethnic Minority Team (EMTAS).

In practice, the EHE Team will liaise with EMTAS service who will make the initial visit to the family, ensuring that the family's wishes to home educate is communicated effectively to the EHE Team. This will ensure that Traveller families have full access to advice and guidance on establishing suitable educational provision for their children.

Subsequent visits to home educating Traveller families will be conducted jointly by a member of the EHE Team and an Officer from EMTAS. Although EMTAS are unable to provide any direct teaching for home educated traveller children, they may be able to offer access to educational initiatives which will enhance the education the child is receiving at home.

The duty of the Local Authority to act if children are not receiving a suitable education applies equally to Traveller children residing with their families on temporary or unauthorised sites and to settled travellers.

Although travelling children of school age have the same legal right to education as anyone else, it can be difficult to claim or seek these rights without a permanent or legal place to stop.

Gateshead Local Authority therefore seeks to positively assist traveller families (in the same way as other families) who do not appear to be providing a suitable education for their children, before taking action.

In accordance with DfE guidelines, if it appears that a traveller family is not providing a suitable education for their children (after all reasonable attempts to engage the child has failed), the Local Authority will consider whether it would be appropriate to follow School Attendance Order proceedings or to make an application in the family proceedings court for an Education Supervision Order. This would only be undertaken in exceptional circumstances and applies equally to traveller and non-traveller families.

Elective Home Education and Additional Services

There are also a range of services available to all parents including those who home educate their children. The following section outlines some of those services.

Elective Home Education and Children Centres

Gateshead Children's Centres provide a welcoming and safe place for everyone, as well as an opportunity for children and their families to access and enjoy a range of activities. Each family is treated with respect and their differences celebrated. It is their belief that through the support of our local community we can work together and achieve better lives for our children.

Children's Centres provide a range of activities for families who have children under the age of 5 years to promote readiness for school and health and wellbeing. These range from Stay and Play groups, activities around learning through play and physical activities to name but a few.

With parental consent individual family support can also be accessed through a referral via the following:

- Self-referrals from Parents/ Carers/other family members
- Referrals from
 - Health Partners inclusive of GP / Health Visitors/ Midwives other Health Services
 - Private/ Voluntary Sector
 - Any other universal service

Further information can be obtained by contacting Gateshead Children Centre on 01914336300.

Elective Home Education and Health

Children who are home educated are still entitled to receive a number of regular health assessments and screening such as a hearing and vision tests and height and weight checks, while of primary school age.

For those young people of secondary school age there is the offer of Diphtheria, Tetanus and Polio Booster and Men C between 13-18 years of age. Girls only will be offered Human Papilloma Virus (HPV) vaccine in Year 8 to protect against cervical cancer.

Additionally advice and support for young people and parents on any health issues including feelings and emotions, behaviour issues, weight management, sexual health, continence, smoking is usually also on offer.

In the first instance any information on the above can be sought from your local GP or the school nursing service.

In addition there are also a range of services which are available to support young people, these include:

Platform (drugs and alcohol)	0191 460 1354
Sexual Health Promotion Team	0191 283 1586
Emotional Wellbeing Team	0191 283 4560

Elective Home Education and the Family Intervention Team

The Family Intervention Team (FIT) provides practical help, advice and advocacy to Gateshead families who require extra support with:

- Family relationships
- Managing children's behaviour
- Home conditions
- Health and wellbeing
- Household budgets
- Leisure and learning
- Help from other professionals

FIT work with families where they feel comfortable and safe – in the homes or in schools or community settings. The team are committed to working with the whole family to provide a tailored package of support using the Common Assessment Framework (CAF) process.

The CAF is a way of working out what is going well for the family, what extra support a family may need and how best to provide this support. The team will work with families to develop an agreed support plan to deliver joined-up support. The family intervention worker will suggest a team of people who they feel could help. Plans are normally reviewed every 5-6 week in a Team Around the Family (TAF) meeting.

The FIT also offer a wide range of group parenting courses to help parents and carers build effective relationships with children of all ages and with a variety of needs.

Further information is available from carolredding@gateshead.gov.uk or telephone 0191 433 2565.

Elective Home Education and Post 16 Progression

Connexions Gateshead offers statutory careers information, advice and guidance services on behalf of Gateshead council. They

- Offer impartial information, advice and guidance to 13-19 year olds (and up to 25 for young people with learning difficulties and disabilities)
- Work with young people in or out of learning or employment

- Work with schools, colleges, training providers and employers
- Support young people seeking further education, training, employment, and Apprenticeships, including the skills to access opportunities, such as how to complete application forms, write a CV and handle interviews
- Support young people facing issues relating to social, health and welfare problems
- Put young people in touch with other people who can help

Young people are able to make an appointment at a [range of access points](#) around the borough for help or support with their work, training or learning plans; to make an appointment to see an adviser, text or call **07768 938 080/0191 433 2785**.

Review Procedures and Practices

Gateshead will review these guidelines and practice in relation to home education on an ongoing basis. Home education organisations, parents and relevant partners will be involved in the process of review in order to ensure the most effective practice and strengthen partnerships.

Complaints Procedures

Gateshead Local Authority seeks to work in partnership with parents / carers who choose to Home Educate their child(ren) and to develop good working relationships. However, if a complaint should arise, in the first instance, contact should be made with the Team with responsibility for Elective Home Education either by telephone or in writing to the Service Manager:

Education Support Service
Dryden Centre
Evistones Road
Low Fell
Gateshead Council NE9 5UR
Tel 0191 433 8758

Elective Home Education (EHE)

STEP 4

