

Wiltshire Council

The logo for Wiltshire Council, featuring the text "Wiltshire Council" in a green, sans-serif font. Below the text is a decorative green wavy line that spans the width of the text.

ELECTIVE HOME EDUCATION

A Guide for Parents and Carers

October 2020

Education at Home

Local Authority Guidance

EDUCATION IS COMPULSORY – SCHOOL ATTENDANCE IS NOT

The freedom to educate children at home forms an intrinsic and essential element of educational provision in our society, a right that has been protected by a succession of Education Acts.

This booklet is provided as a guide to help you, as a parent or carer, understand your rights and responsibilities with regard to educating your child at home, those of the Local Authority (LA) as well as offering a variety of sources of information that you might find useful.

PART ONE – PARENTAL DUTIES

What is the duty of a parent/carer with regard to the education of their child?

1.1 **Section 7 of the Education Act 1996 states that:**

“The parent [/carer] 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 their respective powers and duties under the Education Acts, the Secretary of State, the 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 [/carers], so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.”

The United Nations Universal Declaration of Human Rights, article 26(3) states that:

“Parents/carers have a prior right to choose the kind of education that shall be given to their children”.

The European Convention for the Protection of Human Rights for Fundamental Freedoms, article 2 of Protocol No 1 states that:

- a Everyone has the right to education.
- b Education shall be directed to the full development of the human personality.
- c No person shall be denied the right to education ... the state shall respect the right of parents [/carers] to ensure such education and teaching is in conformity with their own religious and philosophical convictions.

1.2 **When is education compulsory?**

The law requires a child to be educated from the beginning of the school term following their fifth birthday to the last Friday in June in the school year in which the child reaches age 16.

1.3 **Does anyone else have parental responsibilities other than a parent?**

Under section 576 of The Education Act 1996 a parent is also defined in relation to a child or young person as also including any individual:

- a who is not a parent of his but who has parental responsibility for him, or
- b who has care of him

People other than a child's natural parent can acquire parental responsibility through:

- a being granted a residence order
- b being appointed a guardian
- c adopting a child

Under the Children Act 1989 an absent parent still retains responsibility for the educational provision made for a child.

1.4 School or education at home – whose decision?

As parents/carers are responsible for ensuring that their children are properly educated, it is their decision whether to use schools or provide education at home.

1.5 As a parent/carer, do I have to inform or seek permission from the Local Authority if I wish to educate my child at home?

Parents/carers must inform the school if they intend to withdraw their child from school in order to educate her or him at home and the school then has the duty to inform the LA. Apart from those circumstances, the decision to inform the LA or not is entirely for the parents/carers to make. It is, though, helpful to the LA as it tries to carry out its duties, if parents/carers inform it that they are planning home education.

1.6 What if my child is already registered at a school and I wish to educate at home?

The Education (Pupil Registration) Regulations 2006 act stipulates the grounds on which the name of a pupil of compulsory school age shall be deleted from the admission register, including, but not exclusively, "... that he has ceased to attend the school and the proprietor has received written notification from the parent [/carer] that the pupil is receiving education otherwise than at school;" (8.1.d.)

The proprietor also has a duty under the Education (Pupil Registration) (England) Amendment Regulations 2016 to

"... make a return to the local authority for that pupil as soon as the ground for deletion under regulation 8 is met in relation to that pupil, and in any event no later than the time at which the pupil's name is deleted from the register."

A return will generally include:

- “(a) the full name of the pupil;
- (b) the full name and address of any parent with whom the pupil normally resides;
- (c) at least one telephone number at which any parent with whom the pupil

normally resides can be contacted in an emergency;
(d) the particulars specified pursuant to regulation 5(1)(ca) [of the
aforementioned act], if applicable;
(e) the particulars specified pursuant to regulation 5(1)(g) [of the
aforementioned act], if applicable; and
(f) the ground under regulation 8 upon which their name is to be deleted from
the admission register.” (Section 5.7.a-f.)

1.7 **Do I have to have qualifications or need to make special provision?**

Parents/carers are not required 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 their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation or match school-based, age-specific standards.

However, it is helpful to the LA as it carries out its responsibilities if parents/carers do have a plan, even if very broad and flexible. Many children find it valuable to date their work so that they can see their own progress. While the education being offered does not have to follow any specified curriculum, it must be broad enough to ensure that it leads to the “full development of the (child’s) personality”, as the European Convention puts it.

1.8 **What if my child has Special Educational Needs? (SEN)**

The law upholds the right to home educate children with SEN and parents/carers do not need any particular qualification or special needs training to do so. If at any time you are concerned about your child’s progress you can phone or write to the LA who will be able to advise you further. (See address under Part 4.1.)

Even if your child is benefiting from a formal Education Health Care Plan (EHCP) known in Wiltshire as a My Plan (which is a legal way of specifying how best to help a child reach full potential through education) it is possible for the EHCP to confirm that home education is the chosen approach.

Please note that if your child is registered to attend a special school the consent of the LA must be sought before removing your child. This is not intended to undermine or limit your parental rights.

PART TWO – LOCAL AUTHORITY DUTIES

2.1 What is the duty of the LA in relation to the home education of children?

S437 of the Education Act 1996 states that:

If it appears to a Local 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/carer requiring him to satisfy them within the period specified in the Notice that the child is receiving such education.

The essence then, of the LA's duty is to seek to be satisfied that the education being offered to a child at home is suitable to that child's age, ability and aptitude and takes account of any special educational needs he/she may have. The LA needs the help of parents/carers in making that judgement and in the overwhelming majority of cases the LA is satisfied.

2.2 Will the LA make any contact with a parent/carer in relation to education of children at home?

If the LA becomes aware that a parent/carer is home educating or is intending to do so, it may make an informal request for information from parents/carers to establish that a suitable education is being or will be provided.

2.3 Am I obliged to comply with this request?

The law is clear that if a parent/carer does not provide information for the LA to base its judgement, it is open to the LA to conclude *prima facie* that the education is not satisfactory. (Phillips v Brown, unreported, Divisional Court, 20 June 1980.)

2.4 How will the LA satisfy itself that a child is receiving suitable education at home?

There are various ways in which parents/carers can provide evidence that a child is receiving an efficient and suitable education such as:

- Write a report.
- Provide samples of work.
- Invite a representative of the LA to their home with or without the child being present.
- Meet a representative of the LA elsewhere, with or without the child.
- Have the educational provision endorsed by a recognised third party.
- Provide evidence in any other appropriate form.

2.5 Who in the LA is likely to make an initial contact with parents/carers who have the intention of, or who are already, undertaking home education?

In Wiltshire LA it is usually an Education Welfare Officer (EWO).

Occasionally the EWO may also be supported by a teacher through the Specialist Special Needs Service.

2.6 If the LA is satisfied that suitable education is being provided will there need to be further contact?

Following the initial contact, it is usual for the LA (through the link Education Welfare Officer) and the parent/carer to mutually agree follow up contacts. The frequency of these contacts most commonly occurs between six months and a year, but can be varied according to individual needs. Most parents/carers value this support from the LA as an opportunity for a two-way exchange of information, sharing of innovative practice in home education or a time to discuss difficulties that might have arisen.

2.7 What if the LA is not satisfied that a suitable education is being provided?

If the LA is not satisfied that a suitable education is taking place then further informal contact in writing, visits or consultation will be offered with the aim of helping you to overcome any difficulties within a *mutually* agreed time scale.

If the LA still considers that a child is receiving a less than satisfactory education the LA has a duty under s437 of The Education Act 1996 to serve notice on the parent/carer requiring them to satisfy the LA that their child is receiving suitable education "otherwise than at school". If a parent's/carer's reply is unsatisfactory, or they fail to reply, the LA may consider issuing a School Attendance Order. The process is summarised as follows:

- The LA serves parents/carers with a notice giving at least two weeks to satisfy the authority that the child is being educated properly.
- If parents/carers fail to satisfy the authority the LA has to consider whether it is expedient for the child to go to school. If they believe it is, they will serve a second notice telling parents/carers which school they intend to name, giving a chance to choose an alternative.
- The authority then serves a School Attendance Order requiring parents/carers to register their child as a pupil named at the school on the order.
- Parents/carers can ask for the order to be revoked because they are educating "otherwise".
- The LA can prosecute the parent/carers if they do not cause their child to become a registered pupil at the named school in the Order and thereby fail to secure regular attendance at that school, but this action will fail if the court is shown that they are educating otherwise, "in a manner to convince a reasonable person... on the balance of probabilities".
- In extreme cases, where concerns over the suitability of education extend to safeguarding matters, a Care Order could be made by the court.

2.8 Will the LA pass on information about my child to any other service?

The LA will not pass on information to any other service without the written consent of the parent/carer unless there are any child protection concerns. These concerns will be referred to the appropriate authority.

PART THREE – VARIED APPROACHES TO HOME EDUCATION

3.1 What does the law mean by “an efficient and suitable education”?

Some clearer definition of the terminology “an efficient and suitable education” is provided through Case Law, (Harrison and Harrison v Stevenson, 1982) when “suitable education” was defined as one which enabled children ‘to achieve their full potential’ and was such as ‘to prepare children for life in modern civilised society’. The courts have further ruled that education is suitable if it equips a child for life within the community to which he/she belongs as long as it does not reduce the child’s chance to adopt some other form of life in later years, should he/she wish to do so. ‘Education’ was defined as “the development of mental powers and character and the acquisition of knowledge through the imparting of skill and learning by systematic instruction”. The term ‘efficient’ was defined as achieving “that which it sets out to achieve”.

3.2 What is meant by “full-time”

Currently there is no legal definition of “full-time”. Children normally attend school 22 – 25 hours a week for 38 weeks of the year. However, when measuring contact time this is not relevant to elective home education as there is often almost continuous one-to-one contact and education may take place outside normal “school hours”.

3.3 Do I have to follow a formal curriculum for home education?

No, and you do not have to follow the National Curriculum as this only applies to the education of children who are registered pupils of state supported schools.

3.4 As a parent/carer, can I choose what I feel to be the most suitable educational approach for my child?

Whilst the right of parents/carers to determine the nature of their child’s education is enshrined in law, they must ensure that such education is suitable to their child’s age, ability, aptitude and any special educational needs that he/she may have. Most parents/carers, in choosing the style of education that they feel best meets the needs and interests of their individual child, do meet the requirements of the law.

In those rare instances where this is not the case then the LA will act to ensure that the child’s needs, which are held to be paramount under the Children Act 1989, are met.

3.5 What are some of the ways in which a child can be educated at home?

The following list describes only some of the ways in which parents/carers have gone about educating children at home and is by no means exhaustive:

- Private tuition through open or distance learning via college.
- Education through a child's own 'discovery' focussing on interests as they arise naturally, with and without formal tutoring.
- Formal teaching based on some, or all, of the National Curriculum syllabus, using a timetabled approach and perhaps even following school terms.
- Vary their educational approach according to what seems to suit their child at any particular time and stage of development.
- Flexi-schooling, i.e. children spending part of their time in school and being granted leave of absence by the school to receive part of their education out of school. For arrangements of this kind, parents/carers must have the consent of the schools. Schools do not have to give this consent; they have discretion whether to agree to leave of absence being given and parents/carers have no absolute rights in this respect.
- Focus on topic or project work as appropriate.

3.6 **How do I educate my child at home? How can I prevent him/her becoming isolated?**

Good social and communication skills are important for all children's development. As such, children need to work and play with others and parents/carers who home educate try and encourage contacts through a wide range of activities including sporting or social events. Linking into local networks of other parents/carers who are also home educating can be a useful source of social contact as well as encouraging children to develop friends through play or youth activities.

GCSE and A level syllabi can be obtained directly from examination boards and set books and other materials can be purchased from most good booksellers. (See Part 4 for contacts.)

Please note that where parents/carers have chosen home education, the LA is unable:

- To direct teaching or tutoring
- To provide books or other teaching materials
- To provide funding for taking GCSEs or other examinations
- To provide funding for correspondence or college courses

3.7 **Does my child have to take GCSEs?**

There is no educational requirement for children who are home educated to take any qualifications, however it would be wise to seek information, advice and guidance as to qualifications required for entry into further and higher education and/or for accessing specific career paths.

3.8 **Can my child work?**

Regulations regarding child employment are the same for children who are educated at home as for those who attend school. Every child of statutory school age **MUST** have a work permit if they are working. For further information regarding work permits and performance licences please contact

the Education Welfare Service.

PART FOUR – SOURCES OF INFORMATION AND SUPPORT

4.1

WILTSHIRE LA CONTACT

For enquiries about Elective Home Education please contact Wiltshire Council on 0300 4560108.

If a young person has a named Education Welfare Officer (EWO), or there is an EWO linked to their school, enquiries should be via the named EWO.

Special Educational Needs

SEND
County Hall
Bythesea Road
TROWBRIDGE
BA14 8JN

Tel: 0300 456 0100

USEFUL ORGANISATIONS

Advisory Centre for Education (ACE) Ltd
1C Aberdeen Studios
22-24 Highbury Grove
LONDON
N5 2DQ
www.ace-ed.org.uk

Choice in Education
PO Box 20284
LONDON
NW1 3WY
www.educationchoice.org.uk

Christian Education Europe
Maranatha House
Unit 5
Northford Close
SHRIVENHAM
SN6 8HL
www.christian-education.org.uk

Department for Children Schools and Families
Social Inclusion Division
Sanctuary Buildings

Great Smith Street
LONDON
SW1 3BT
www.dcsf.gov.uk

Education Otherwise
PO Box 325
Kings Lynn
PE34 3XW
www.education-otherwise.org.uk

www.edyourself.org

Home Education Advisory Service
PO Box 98
Welwyn Garden City
HERTS
AL8 6AN
www.heas.org.uk

Oxford Home Schooling
Oxford Open Learning Trust Ltd
4 Kings Meadow
Oxford
OX2 0DP
www.oxfordhomeschooling.co.uk

ACCESS TO RESOURCES & EDUCATIONAL MATERIALS

BBC Information Line
www.bbc.co.uk/education

Co-ordination Group Publications Catalogue
Tel: 08707 501 262
www.cgpbooks.co.uk

Cambridge Information Ltd
Combs Tannery
STOWMARKET
IP14 2EN
www.caminfo.co.uk

Casebourne Home Tuition
4 Rushbrook Way
Rivermead
SHREWSBURY
SY2 5TQ

Education Now
www.educationnow.co.uk

Freedom in Education
www.freedom-in-education.co.uk

Gabbitas Educational Consultants Ltd
Carington House
126/130 Regent Street
LONDON
W1B 5EE
www.gabbitas.co.uk

www.theguardian.com/gnmeducationcentre/resources-for-teachers

HOME EDUCATION RESOURCES

Home Education Centre
www.homeeducationcentre.org.uk

Home Education UK
www.home-education.org.uk

Horticultural Correspondence College
Fiveways House
Westell Road
Hawthorn
Corsham
www.hccollege.co.uk

Learndirect
www.learndirect.co.uk

National Extension College
The Michael Young Centre
Purbeck Road
CAMBRIDGE
CB2 2HN
www.nec.ac.uk

Open and Distance Learning Quality Council
16 Park Crescent
London
Q1B 1AH
www.odlqc.org.uk

Qualifications & Curriculum Authority
83 Piccadilly
LONDON
W1J 8QA
www.qca.org.uk

Rapid Results College
Tuition House

27/37 Georges Road
LONDON
SW19 4DS
www.rapidresultscollege.co.uk

The Student Support Centre
Freepost MB2038
Beckenham
Kent
BR3 1BR
www.simply-education.co.uk

EDUCATIONAL WEBSITES

www.countryreports.org
260 countries profiled with historical, geographical and political information and maps.

www.educationguardian.co.uk/primaryresources
Range of fun and practical project based activities

www.gcse.com
GCSE revision guides

EDUCATIONAL SOFTWARE AVAILABLE WITH REVIEWS

www.planet-science.com
Science website

www.primaryresources.co.uk
Ideas on every National Curriculum subject

www.schoolzone.co.uk
Educational site

www.spartacus-educational.com
History website

www.teachingideas.co.uk
Primary phase activities, plus book reviews.

www.bbc.co.uk/bitesize/
Key Stage resources and activities

www.khanacademy.org
Web based learning platform

www.interhigh.co.uk
Web based school that provides live classes and GCSE programs

www.thenational.academy
online recorded lessons follows national curriculum for each year group.

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