

Somerset County Council

Elective Home Education Protocol

Information for parents, schools and support services

Last updated 10/02/2022 To be reviewed in 2024





Updated February 2022

This protocol has been produced by Somerset County Council in collaboration with members of the Somerset's home educating communities, health services and schools. It is designed to give a clear and helpful overview of Elective Home Education for families and professional and is divided into the following sections:

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Context

This protocol has been written to support parents and carers considering, or already undertaking, Elective Home Education for their child, education providers and any professionals involved in supporting families and children.

All school-aged children in the United Kingdom have the right to a full-time education that is appropriate to their age, development and level of need. While most children go to school, a growing proportion of parents are taking on the responsibility for their children's learning themselves and choosing to home educate.

Elective Home Education has grown in popularity over recent years. Somerset currently has around 1,500 children known to be home educated. This is equal to around 1 in 70 children.

Somerset County Council is committed to supporting and working positively with families that home educate to ensure children are safe and receiving the best education possible.

The majority of home educated children enjoy a personalised and fluid way of learning that is aligned with their learning style, needs and aspirations. Many also benefit from the Somerset's network of support groups within its home educating communities that provide valued support and, guidance and advice to parents and carers.

In the small number of cases where home education is deemed unsuitable, Somerset County Council has a duty to make enquiries and act to ensure adequate educational provision is put in place. This is outlined in The Role of Somerset County Council.

This document aims to ensure parents and carers considering or already undertaking home education are equipped with the right information and helpful resources to ensure the best learning experience possible for their child.

Definitions within this Document

Elective Home Education

Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe a parent or carer's decision take responsibility for providing education for their child. It applies where the child is of compulsory school age. EHE does not include pupils receiving home tuition or alternative provision through their registered school, college or the Local Authority. Within this document, EHE will be referred to as "home education".

Compulsory School Age

A child is of compulsory school age from the first day of the school term following their fifth birthday. They continue to be of statutory school age until the last Friday in June during the academic year in which they turn 16. Parents and carers are required, by law, to ensure their child has access to and engages with adequate and appropriate learning throughout this time either by attending the school at which they are registered or through home education.

Children and Young People

Children and young people will be referred to as "children" throughout this document.

Parents and Carers

Parents, carers, legal guardians and any adults with parental responsibility for a child will be referred to as "parents and carers" throughout this document.

Schools and Colleges

Schools, colleges and other educational settings will all be referred to as "schools" within this document

Somerset County Council

Somerset County Council will be referred to as "the Council" throughout this document.

The Law and Home Education

The legal responsibility for a child's education lies with their parent or carer. In England, education is compulsory, but school is not. Parents and carers can choose to take full responsibility for their child's learning or enrol them at a registered school.

The law is set out in the European Convention on Human Rights, which states,

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions."

It is also set out in Section 7 of the Education Act 1966, which states,

"The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to:

- (a) his age, ability and aptitude
- (b) any special educational needs he may have

either by regular attendance at school or otherwise".

The Education Act does not define "efficient" and "suitable", but these terms have been described in case law, as outlined below.

An efficient education has been described as one that, "achieves what it sets out to achieve. The education should be supervised, include appropriate resources and provide the child with enough opportunity for learning, in order to help achieve their potential."

A suitable education has been described as one that, "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 option in later life to adopt some other form of life if he wishes to do so."

This means attending school and home education have equal legal status and both are considered equally valid approaches to learning.

Further guidance on these terms is available in <u>Home Education: Departmental</u> <u>Guidance for Parents</u>, published by the Department for Education.

The law places certain responsibilities and duties on local authorities regarding home educated children. This is to ensure all children are safe and receiving the best possible education available, whether at home or at school. These responsibilities are looked at in greater detail in The Role of Somerset County Council.

Parents and Carers' Rights and Responsibilities

Parents and carers may decide to home educate their child at any time. For some, this is a choice before their child reaches school age. For others, the choice is made to withdraw their child once they have started at a school.

The decision to home educate should be one that is made freely. Parents and carers should not be – or feel – pressured or coerced into a decision to home educate by a school or other professional.

If a child is taken off a school's roll because of pressure or coercion, this could be regarded as off-rolling, which can be considered unlawful and is described by Ofsted as "never acceptable".

Instances of off-rolling should be reported to Somerset County Council by emailing ess@somerset.gov.uk.

Requirements of Parents and Carers

Parents and carers do not need to be qualified teachers to home educate their child. There is also no requirement to follow the National Curriculum, though some find this helpful if they intend to make use of public examinations later.

Parents and carers must, however, be able to provide their child with a suitable, full-time education or provide access to means through which this can be achieved.

Parents and carers can choose how, when and with whom learning takes place. They are not required to have formalised learning plans, lessons, or assessments. There is also no requirement to adhere to the age-related learning expectations adhered to in maintained schools.

Somerset County Council may contact parents and carers to discuss home education. There is no requirement to respond, but in cases where additional information is needed about a child's learning or welfare, this engagement is advisable and can help prevent statutory action being taken.

Parents and Carers Considering Home Education

Any parents considering home education should make themselves fully aware of both their rights and responsibilities before deciding. It is often helpful to talk with your child's school about why you are thinking about home education, particularly if there are issues that can be resolved to make their school experience better.

Somerset County Council has created a <u>Frequently Asked Questions document</u> designed to answer many of the most common enquires we and our schools receive about home education. Within this document, <u>The Law and Home Education</u> and <u>Parents and Carers' Rights and Responsibilities</u> also outline some useful information.

Parents and carers of children with Education, Health and Care Plans (EHCP) seeking to home educate are urged to discuss their intentions with their child's school as early as possible. Children with EHCPs can be home educated but those attending special schools named in their plans require the consent of the Council before this can happen. For further information, please refer to Children with SEND and EHCPs.

Some parents and carers may consider home education due to their child having medical needs that prevent them from attending school regularly. This should be discussed with their child's school to establish what support the school can offer and whether medical tuition is a viable option. Medical tuition is available to children registered at a school whose medical needs prevent attendance and where this is confirmed by a suitably qualified health professional. Further information on medical tuition is available in the Council's <u>Policy for the Education of Children Unable to Attend School because of Health Needs</u>.

Any parents considering home education can also seek advice, information and support from members of our home education communities. Contact details for some home education groups are available in the <u>Independent Support</u> section of this document.

Home Educating from the Start

When a parent or carer chooses to home educate and their child has never attended, or been registered at a school, they do not have to inform Somerset County Council

but may do so if they wish. If a school place has been offered, parents and carers are asked to inform school of their intention to home educate as quickly as possible.

Withdrawing from School to Home Educate

When a parent or carer chooses to withdraw their child from school to home educate they should inform the head teacher of their decision in writing either by letter or email. When doing this, parents and carers should clearly state the following:

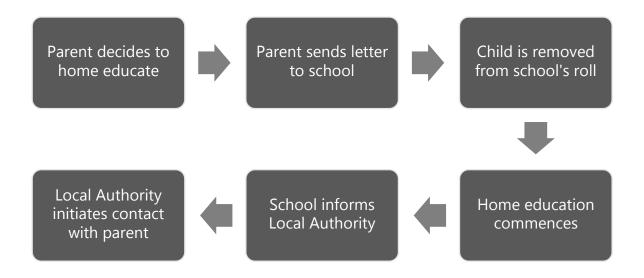
- Their child's name and date of birth
- Their intention to home educate
- The date from which they intend to home educate

Parents and carers are advised to ask the school for an acknowledgement of their notification to home educate.

Schools can only remove a child from their roll when this information has been received and from the home education start date stated in the parent or carer's letter.

If a parent or carer commences home education without informing the school, their child will remain on the school's roll. Any subsequent absences may result in Somerset County Council taking legal action under <u>Section 444 of the Education Act 1996</u>, even if adequate home education is being provided.

The diagram below outlines the process that should be followed when a parent or carer makes the decision to home educate:



Withdrawing a Child with an EHCP to Home Educate

Parents and carers of children with EHCPs seeking to home educate are urged to discuss options with their child's school as early as possible.

When a child with an EHCP is withdrawn from school to be home educated, the Council will make arrangements to hold an Annual Review of their plan to reflect the changes being made. More information on this can be found in Children with SEND and EHCPs.

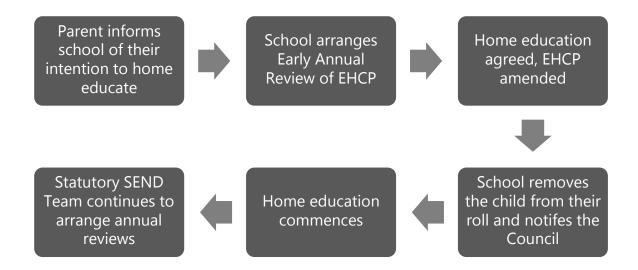
Children attending special schools named in their EHCP cannot be home educated without the consent of the Council, as outlined below in <u>Withdrawing from a Special School to Home Educate</u>.

Withdrawing from a Special School to Home Educate

When a child attends a special school that has been named in their EHCP, the Council's consent is required before the child may be removed from the school roll. This process should not be time consuming or cause unnecessary delay. Parents and carers must inform their school of their intention to home educate.

The school will then notify the Council and arrange an Early Annual Review to ensure the child's needs can be met and determine whether consent to home educate can be given. Consent cannot be unreasonably withheld.

If home education is deemed suitable, the child's EHCP will be amended to reflect the agreed changes. The plan will continue to name a provision that suits the child's needs but will also state that the parent or carer has made alternative arrangements under <u>Section 7 of the Education Act 1996</u>. This process is outlined in the diagram below.



If there are legitimate concerns that home education will not meet the needs of the child, the Council may refuse the parent or carer's request to home educate, and the child would remain on the school's roll. The parent or carer would be required, by law, to ensure their child's ongoing regular attendance at the named provision.

Funding Home Education

Parents take on full responsibility for the provision of their child's education when they choose to home educate, including any related costs.

Support services that are available to home educated children and their parents and carers are outlined in <u>Additional Support and Information</u>.

The Role of Somerset County Council

The Council's Duties and Responsibilities

Somerset County Council's statutory duties relating to home educated children are undertaken by the following services:

Education Safeguarding Service

- To have a named senior officer with responsibility for home education policy and procedures
- To record all cases where a child is removed from a Somerset school's roll to be home educated
- To make enquiries into any cases where there are concerns about the suitability of home education
- To intervene where initial enquiries show that home education provision for a particular child may not be suitable

Statutory SEND Team

• To support the annual review of any home educated children with an Education, Health and Care Plan

Children's Social Care

• To investigate any cases where there are concerns about a child's welfare or safety (this is true of all children, not just those that are home educated)

Somerset Virtual School

 To advocate for and identify the most suitable educational provision for Children Looked After

Somerset County Council is committed to supporting parents, carers and families achieve positive outcomes, including those home educating.

Responding to Safeguarding Concerns

If a child is believed to be in immediate danger or at risk of significant harm, they will be immediately referred to Children's Social Care. In most cases, parents and carers are informed that this action is being taken but they may not be if doing so could place the child or others at increased risk.

When support or intervention is required to ensure a child is safeguarded, supporting services may need to consider the suitability of home education in the context of the child's needs and any present risks.

Where there are concerns that home education may not be suitable, those services may request support from the Education Safeguarding Service as outlined in <u>Making Enquiries About Home Education</u>.

Making Contact with Parents and Carers

Schools are required, by law, to inform their local authority when a child is removed from their roll to be home educated.

When a notification of a child commencing home education is received, Somerset County Council will send their parents or carers a welcome letter outlining what support is available and inviting them to complete a survey about their decision to home educate. There is no requirement to respond to this communication, but survey responses are welcomed and will support the Council's efforts to shape and improve service delivery.

In cases where it is felt additional information is required regarding a child's home education, a member of the Education Safeguarding Service will make contact with the parent or carer to talk about what provision is in place.

Informal Enquiries about Home Education

Somerset County Council has a duty to make enquiries when concerns about the suitability of home education for a child are known or raised.

Council officers may contact parents and carers of home educated children where:

- concerns about the provision of home education are raised by the school or other support service, or
- the child could be considered vulnerable, as defined in <u>Vulnerable Children and</u> Home Education

In these cases, the Education Safeguarding Service will contact the parent or carer requesting a meeting to review the home education that is in place and offer any support that may be required. By working together, challenges or barriers to effective learning can be identified and resolved.

When it is not possible to resolve concerns about the suitability of home education, the Council will commence an informal enquiry. This will aim to establish whether home education is suitable.

An informal enquiry asks the parent or carer to provide information to the Council to demonstrate that a suitable, full-time education is in place, as shown in the diagram below. Parents and carers do not have to engage with this process, but it is advisable to do so.



Formal Enquiries about Home Education

If an informal enquiry suggests home education is not suitable, Somerset County Council may use its statutory powers to request further evidence from the parent or carer that their child's education is suitable. If satisfactory evidence is not provided a School Attendance Order may be issued, requiring the child to be enrolled at and attend a named school. These statutory powers are outlined in Section 437 of the Education Act 1996.

The diagram below outlines the process that may be followed where home education is deemed unsuitable, satisfactory evidence is not provided and a subsequent School Attendance Order is breached.

Flow



Parents and carers cannot withdraw their child to home educate while a School Attendance Order is in place. Orders remain in place until they are either withdrawn by the Council or a court, or the child is no longer of statutory school age.

If a parent or carer fails to comply with a School Attendance Order, Somerset County Council may take legal action against them for failing to comply with a School Attendance Order in line with <u>Section 443 of the Education Act 1996</u>. This is referred to as a breach of order.



Vulnerable Children

Somerset County Council has a duty to ensure appropriate measures are taken to protect and safeguard all children.

For most, there is no need for support or intervention of this type. For some it is critically important. The Council seeks to identify children who might be considered vulnerable. This includes children that are:

- subject to a Child Protection plan
- subject to a Child in Need plan
- receiving multi-agency support
- at risk of exploitation.

Home educated children are not automatically considered vulnerable, but some do fall into this category, as outlined above.

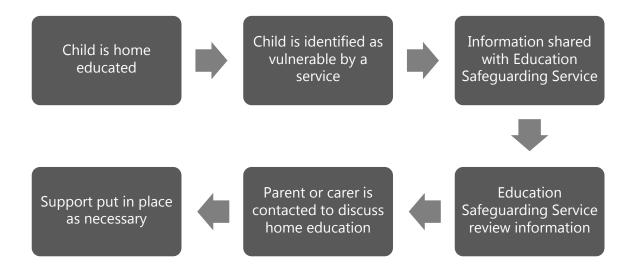
Parents and carers being supported by a social worker or family support worker are encouraged to discuss their intention to home educate with them and the school. This will help ensure the necessary support is in place and that home education is suitable.

Supporting Vulnerable Home Educated Children

None of the vulnerability identifiers above prevent a parent or carer from home educating their child.

When a child who is identified as vulnerable becomes home educated, Somerset County Council may contact the parent or carer to offer support and ensure home education is suitable.

If a home educated child becomes identified as vulnerable while home educated, Somerset County Council may contact their parent or carer to ensure the suitability of home education. Services supporting children and their families will share information with the Education Safeguarding Service when there are concerns that home education might not be suitable. This information may lead to the Education Safeguarding Service contacting the parent or carer to offer support, as outlined below:



Home Education for Children Looked After

The law permits Children Looked After to be home educated with the permission of the local authority acting as those children's corporate parent. If the carer (e.g. foster carer) of a Child Looked After wishes to consider home education, they must seek the consent of Somerset County Council, who will assess whether this would be an appropriate course of action.

Children Looked After cannot be home educated without the Council's consent.

This is clarified in the guidance <u>Promoting the Education of Looked-After Children and Previously Looked After Children</u>.

Children with SEND and EHCPs

Good home education offers the flexibility to deliver child-centred, bespoke learning that is appropriate to a child's ability, stage of development, and level of need. Parents can choose to home educate their child if they have SEND and/or an EHCP.

In these cases, it is recommended that the impact of home education is discussed with the school before a decision is made. The Local Authority's SEND team may also take part in this discussion, if necessary.

Additional, specialist support may be available through the services outlined below:

- Educational Psychology Service
- Parent and Carer Forum
- Autism and Communication Pathways
- Sensory, Physical and Occupational Therapy Service

- Public Health Nursing Team
- Education Safeguarding Service
- Statutory SEND Team
- SENDIAS
- Support Services for Education
- Somerset Direct

Further information is available in the <u>Additional Support and Information</u> section of this document.

Requesting an EHCP

If a parent believes their child may require an EHCP to support their learning, they can request a statutory assessment by contacting the Council's Statutory SEND Team at SENDAssessmentHub@somerset.gov.uk.

Home Education for Children with EHCPs

Annual Reviews will continue to be arranged and supported by the Somerset County Council's Statutory SEND Team when a child is home educated.

Parents and carers of home educated children with EHCPs will be invited to take part in these reviews to ensure their child's needs continue to be met. Parents and carers can contact the Statutory SEND Team to request an Early Annual Review by emailing <u>SENDReviewingHub@somerset.gov.uk</u>.

When a child with an EHCP becomes home educated, the Local Authority will amend their plan as part of an Annual Review to state that:

- a type of provision that would be suitable
- the parent or carer has made alternative arrangements in line with <u>Section 7 of</u> the Education Act 1996.

Children attending a special school that is named in Section I of their EHCP can only become home educated with the permission of the Somerset County Council, as outlined in <u>Withdrawing from a Special School to Home Educate</u>. The Council can only refuse a request to home educate when there are reasonable grounds to do so.

Funding Home Education for Children with EHCPs

Parents of children with additional funding through their EHCP who are considering home education should discuss this with the school and the Council's Statutory SEND team before making a decision.

Somerset County Council has a duty to conduct EHCP assessments and subsequent Annual Reviews for children that are home educated.

Somerset County Council provides services that support all Somerset children engage with learning, including those that are home educated. Information on these services and how to contact them is available in the <u>Additional Support and Information</u> section of this document.

Accessing Public Exams and other Qualifications

There is no requirement for home educated children to sit public exams, such as GCSEs and A Levels, but they can do so as private candidates.

Parents and carers wishing to have their child entered for a public exam will need to approach local exam centres (typically schools and colleges) that accept private candidates. An exam entry fee will be payable and children sitting exams as private candidates are required to do so under the exam conditions provided by the exam centre.

Identifying Exam Centres

Home educated children can access nationally recognised formal examinations and vocational qualifications as private candidates. Parents are advised to contact their local exam centres as early as possible to ensure any preparatory work can be completed.

The Joint Council for Qualifications (JCQ) holds an interactive <u>list of exam centres and that accept private candidates</u>, which is searchable by postcode and examination type. Independently registered exam centres can also be used, where available.

Further details on accessing independent exam centres and vocational qualifications can be found in the <u>Independent Support for Home Educators</u> section of this document.

Duke of Edinburgh Award

The DofE provides children the opportunity to take part in life-changing adventures, learn new skills and contribute to their communities. The scheme is available to all children and can be accessed through SSE Outdoors.

Further information is available in their <u>DofE Information Booklet</u>, on the <u>SSE website</u> and by contacting the DofE team by emailing <u>DofE@somerset.gov.uk</u>.

Additional Support and Information

The following support is available to all home educators and home educated children:

Frequently Asked Questions

A <u>FAQ document for parents and carers</u> considering or undertaking home education is available online.

If you have a question that is not answered, the Education Safeguarding Service is able to help by emailing email ess@somerset.gov.uk or calling 0300 123 2224.

Schools can access information and support relating to home education by visiting the <u>Education Safeguarding Service's resource page</u> on the SSE website.

Public Health Nursing Teams

The Public Health Nursing Teams are health professionals dedicated to supporting and promoting good health for all children from 0 to 16. Their Health Visitor and School Nursing Teams provide support and advice to children and their parents. Contact details for the local teams and their Text Support Service are below:

South Somerset South South Somerset South South

0300 323 0114

Mendip MendipSN@somerset.gov.uk

0300 790 9852

Taunton and West <u>WestAndTauntonSN@somerset.gov.uk</u>

0300 323 9854

Sedgemoor SedgemoorSN@somerset.gov.uk

0300 790 9853

Text Support 07480 635515

Education Safeguarding Service

The ESS supports children and their families to access education, including those that are home educated. You can contact the ESS by emailing ess@somerset.gov.uk or calling 0300 123 2224.

Educational Psychology Service

The Educational Psychology Service specifically provides a wide range of services to support the development and progress of Somerset's vulnerable learners aged from 0 to 25.

You can contact them by emailing <u>inclusionsupportservices@somerset.gov.uk</u> or calling 01823 357000.

Autism and ADHD Pathway

Parents and carers seeking assessments for Autism and ADHD can find guidance and information through the <u>Autism and ADHD Pathway on Somerset's Local Offer</u> website.

When there is compelling evidence that an assessment may be required, parents and carers should discuss this with their GP in the first instance, who can support this process.

GPs can access support from Somerset Parent Carer Forum when requesting assessments for home educated children. They can also seek input from private practitioners that have a core qualification and are members of a professional regulatory body.

Parents and carers can also seek support from Somerset SENDIAS.

SEND Information and Advocacy Service (SENDIAS)

The Somerset SENDIAS gives children, young people, and their parents and carers information, advice and support about SEND. This can include support when requesting or developing an EHCP. The service is free, confidential and impartial.

Further information is available on <u>the SENDIAS website</u>, by emailing <u>somersertsendias@somerset.gov.uk</u>, or by calling 01823 355578.

Sensory, Physical and Occupational Therapy Service (SPOT)

SPOT can offer support at home and in school to children that the criteria for involvement. Further information can be found on <a href="mailto:the spot support suppo

Support Services for Education (SSE)

Support Services for Education (SSE) is a traded unit within Somerset County Council offering a wide variety of support services and resources to schools and education providers. including parents who are home educating.

Further information is available on <u>the Support Services for Education Website</u>, by emailing <u>sse@somerset.gov.uk</u>, or by calling 0300 123 7365.

Child and Adolescent Mental Health Service (CAMHS)

CAMHS offers a range of services for young people who are struggling with their mental health. They have bases all over Somerset and offer support to young people in the community and in their homes. They also have services that work over the whole of the South West, like their Forensic CAMHS and National Deaf CAMHS teams.

More information is available on the CAMHS website.

Somerset Parent Carer Forum CIC

Somerset Parent Carer Forum is an independent not-for-profit Community Interest Company formed by parent carers in 2016. They are passionate about ensuring all children have the best chance in life and receive the correct support and services to achieve their full potential.

More information is available on the Somerset Parent Carer Forum website at www.somersetparentcarerforum.org.uk or by emailing admin@somersetparentcarerforum.org.uk.

Independent Support for Home Educators

As well as the support and information available from the Local Authority and other services, Somerset has a rich independent support network for home educators.

Somerset County Council is not affiliated with any of the groups listed below, who have been included for information purposes only. Their inclusion in the list does not provide any guarantees regarding their practice or provision.

Mendip

- Shepton Mallett Home Education Group
- Wells, Glastonbury and Surrounding Areas Home Education Group

South Somerset

- Home Education Centre South Somerset
- Yeovil and Surrounds Home Educators

Taunton and West Somerset

- Home Ed Community Hub for Taunton and Surrounding Areas
- Taunton Home Education
- Wellington, Somerset Home Education
- West Somerset Home Education Group
- Tutors and Exams (independent exam centre)
- Taunton School International call 01823 703200 or email tsiexams@tauntonschool.co.uk

Sedgemoor

• Bridgwater Home Education

National Home Education Support Networks

- Education Otherwise
- Home Education UK