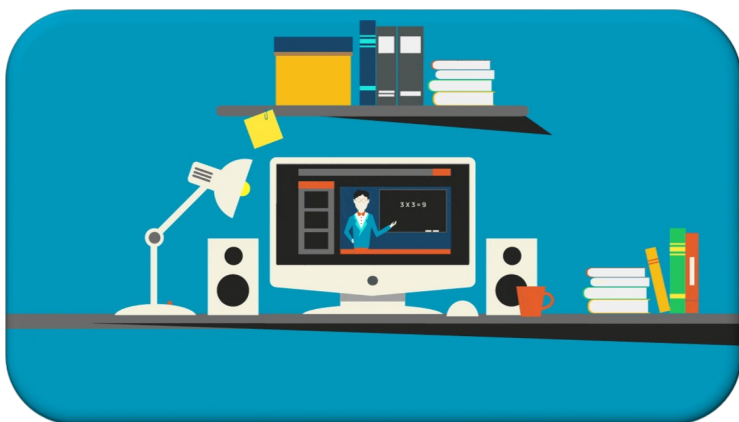


Home Education and 'Education Otherwise'



- What is “Elective Home Education”?
- How EHE can be done when your child has an EHCP
- Education Otherwise than in a School (EOTAS)
- Parental Duties
- Duties of the Local Authority



Parents **must** make sure their children receive a suitable full-time education if they are of compulsory school age (aged 5-16), but this does not mean all children are educated in a school setting.

Some children are educated at home because their parents have chosen this for them. Other children learn at home because they cannot attend school due to a particular reason, such as ill health, or because it would be inappropriate for their special educational provision to be made in a school or college setting.

Some children also attend school part time, and more information on what happens if a parent wants their child to attend school part time can be found in this guide.



Elective Home Education

Some parents choose to home educate their child. This is sometimes called 'home schooling', but is more accurately known as 'elective home education' or 'EHE'. If this is what is right for them and their child then this can be a positive step. The SEN and Disability Code of Practice (the "**Code**") acknowledges this, stating at paragraph 10.35 that, "*Local authorities should not assume that because the provision being made by parents is different from that which was being made [...] in school that the provision is necessarily unsuitable. Local authorities should also consider using their power to help parents make suitable provision.*"

However, sometimes parents may be encouraged to home educate their child by the school or the local authority ("LA") when the parent does not want to or think this is what the child needs. Parents often feel pressured into home education to avoid prosecution for non-attendance. However, elective home education is a serious step and **should always be the parent's choice**.

The Department for Education's "*All you need to know about home-schooling and elective home education*" briefing summarises key information parents should be aware of if considering home schooling. Parents of a child with an EHC plan should be aware that EHE has the following implications when deciding whether or not to home educate their child.

Elective home educating children or young people with EHC plans

The LA **no longer has** a legal duty to secure **any** of the special educational provision in the child or young person's EHC plan if they are being home-educated. This is because the LA is likely to decide that the parents are making their own suitable alternative arrangements.

However, the LA should not stop an EHC plan because the child or young person is being home educated. The LA must also still review the plan annually to assure itself that the provision set out in it continues to be appropriate and that their special educational need ("SEN") continues to be met (paragraph 10.32 of the Code). The LA must use the same legal process to review the EHC plan, even if the child or young person is being home educated.

Parents who wish to home educate their child (rather than have the LA secure any required provision) do not need school's permission, but should write to:

1. the school and explain that they intend to educate their child at home, and
2. the LA and ask it to amend Section I of the EHC plan to record that the child is being educated at home. Parents of children at special schools will also need to ask the LA to agree to their name being taken off from the school roll.

If the current educational placement is not working and the parent does not want to home educate their child, it may be better to change the EHC plan to set out different special educational provision and/or name a different school/placement rather than attempting to take on home education without support.

Electively home educating children or young people with SEN but without an EHC plan

Parents may take their children out of school to home educate them, and they do not need the permission of the school or the LA to do so (unless they are on the roll of a special school in which case the LA must agree).

All parents of children may make a request for an EHC needs assessment, including those **who choose EHE for their children**. This is an opportunity to fully identify all of the child or young person's SEN and work out what support they need. The Code says that LAs "**should**" fund support for the SEN of home-educated children where it is appropriate to do so (paragraph 10.30). However the LA does not have a legal duty to provide special educational provision in this situation.

If a child or young person's early years, school or college placement is in danger of breakdown and their parent does not wish to home educate them, it might be appropriate to ask the LA for an EHC needs assessment. It may be that, with the right support, the child or young person can continue in their educational placement. Alternatively, they may require special educational provision which could be provided at a different school or otherwise than in school.

Alternative Education

If a child is unable to attend school for any reason and their parent has not chosen to home educate them, this should be made clear to the LA and the LA may have a legal duty to secure suitable, full-time education for them – whether they have an EHC plan or not.

Education Otherwise Than In A School (EOTAS)

If an early years setting, school or college is not appropriate for the child or young person and the parent has not chosen to home educate them, the LA can arrange for any special educational provision the child or young person requires to be delivered somewhere else and set this out in an EHC plan. The LA would then be responsible for continuing to secure and fund that provision. This is known as 'education otherwise than in school' and often abbreviated to 'EOTAS' (section 61 of the Children and Families Act 2014 allows LAs to do this). Before taking such a step though, the LA must talk it through with the child's parent or with the young person and properly consider their views.

Whether school or college is appropriate or not will depend on the child or young person's SEN and / or the type of the provision they need (for example, it might not be appropriate for certain therapies to take place in a school setting). The question is not whether school can deliver the special educational provision but whether it is appropriate for it to be made in school.

Where it is not appropriate for any provision to be made in a school or college, the child or young person's EHC plan should reflect the following:

- **Section B** should set out all of their special educational needs, including those that show *why* education in a setting is inappropriate. These could be, for example, mental health or sensory needs.
- **Section F** should give a clear and detailed description of the support they need. This could include therapies which are classed as educational provision, such as speech and language therapy, and other support provided by health or social care which educates or trains the child or young person. It will be important to set out all the necessary details such as who (in terms of role/qualification) will oversee the package of support, deliver it and what particular expertise they may need, and any input needed from specialists. This will mean the LA still has a legal duty to put the special educational provision in place. It would also generally be a good idea to specify that this provision will be delivered as 'education otherwise than in a school' here too.
- **Section I** should be left blank if no setting is going to be attended at all, as confirmed by case law.
- **Section J** will detail the special educational needs and outcomes to be met by any agreed direct payments relating to section F. Not everyone will have a personal budget and receive direct payments.

If it's inappropriate for some but not all of a child or young person's special educational provision to be made in school/college, an EHC plan can cover this too.

If a child or young person needs an EOTAS package but their EHC plan does not set it out, the LA can change what their EHC plan says to make sure it's included. Parents and young people can ask for this during an annual review of the EHC plan or, if they have a right of appeal to the SEND Tribunal, use this to get the EHC plan changed.

Leicester City Council: Education at Home Policy

All parents are strongly encouraged to read the "[Elective Home Education Departmental Guidance for Parents](#)" (April 2019) before they withdraw their child or children from school.

The Education Act 1996 states that: *The parent of every child of compulsory school age shall cause him (her) to receive efficient full-time education suitable to his (her) age, ability and aptitude, and to any special educational needs he (she) may have, either by regular attendance at school or otherwise.* This places the responsibility for a child's education firmly with the parents.

Case law states that a suitable education – for a child capable of learning such skills – should instil in them the ability to read, write and cope with arithmetical problems. From this, we understand that an education that does not include English and Maths cannot be considered suitable.

There are no legal requirements imposed on parents to ensure that their child takes formal examinations or to follow the National Curriculum. There are no set hours, days or weeks when education has to take place and no requirement for formal lessons. Parents are not required to follow a school model of education, follow school hours or complete work in books.

Financial responsibility for children educated at home rests with the parents. This includes all books, paper resources and the payment of examination fees for a child who is to be entered for accredited examinations (like GCSEs). There is no entitlement to free school meals.

Information regarding local centres which allow students to take examinations as a private candidate is available on the City Council's website.

When considering the suitability of a child's home education, the LA operates in accordance with the Departmental Guidance. Parents who choose to educate their children at home are strongly advised to acquaint themselves with the law and guidance related to Elective Home Education; parents' rights and responsibilities are set out in Department for Education: "Elective home education Departmental guidance for parents" (April 2019).

Duty of the Local Authority (LA)

Leicester City Council (LCC) complies with Department for Education Guidance; "[Elective home education departmental guidance for local authorities](#)" (April 2019).

The Education Act 1996 (as amended) imposes a duty on LCC to promote high standards in Primary and Secondary education for persons of compulsory school age (whether at school or otherwise).

Local authorities have a general duty to make arrangements to safeguard and promote the welfare of children (section 175 of the Education Act 2002) in relation to their education functions as a local authority. This Policy forms part of the LA's remit under this section.

In addition, LAs have a statutory duty under the Act (as amended), to make arrangements to establish the identities, so far as it is possible to do so, of children in the authority who are not receiving a suitable education.

Once a child reaches compulsory school age, and in the event that they come to the attention of LCC, the LA must satisfy itself that the child is receiving full time education suitable to their age, aptitude and any special educational needs the child may have.

To fulfil these statutory duties LCC follows a process, described next, to confirm the suitability of Elective Home Education; many parents find this process helpful and supportive of their education provision.

Choosing and Starting Home Education

Parents have a range of reasons for choosing to educate their child at home and a home educated child may never have attended a school, or, they may have attended and then been withdrawn by the parent for the reason of home education.

Children who have never attended school

Once a child reaches compulsory school age, and in the event that they come to the attention of LCC, the LA must satisfy itself that the child is receiving full time education suitable to their age, aptitude and any special educational needs the child may have.

Withdrawing a child from a maintained mainstream school

When a child has been on roll at a school, and the parent/carer decides to educate their child at home, they must write to the Head teacher of their school, informing them of their intention to home educate. The Head teacher will delete the child's name from the register and they will notify the LA.

Children attending Special Schools (including independent special schools)

If the child who is to be withdrawn is a pupil at a special school, the school must inform the local authority before the child's name can be withdrawn from the school roll and the authority will need to consider whether the elective home education is suitable before amending part 4 of the child's EHCP.

Independent schools

Parents who withdraw their children for home education from independent schools are encouraged to get in touch with LCC's Education Welfare Service at the earliest opportunity.

Contact: 0116 454 5510 /
education.welfare@leicester.gov.uk

All registered schools (irrespective of the type of school) must notify the LA when a child is removed from roll.

Contact from the Local Authority

The Education Welfare Service seeks to undertake a discussion with the parents usually within 4 school weeks of the home education starting to provide general information, support and advice about the child's home education and about the LA's process, also to gather some initial information about the education being provided. This initial stage of the process is undertaken by an Education Welfare Officer (EWO).

Following this (irrespective of whether or not the parent has engaged with the EWO), details of the child are passed to the Home Education Adviser (HEA) along with any supporting information obtained.

Contact with the Home Education Adviser

The standard pattern of involvement of the HEA is as follows:

- Initial contact with parent following receipt of referral from EWO
- Six months later – six month review (usually undertaken only for newly home educated children)
- Annual review – approximately a year later

Initial Contact

The HEA will send parents a welcome letter which includes a link to a template for an education plan. Parents are requested to complete the plan with as much detail as possible setting out how they intend to educate their child. Parents may opt to use their own format rather than the plan although the information provided will ideally need to cover the same areas.

Whichever format is used, helpful details include how a parent intends to ensure the development of English and Maths, for example, examples of books or websites a parent and child intend to use. If a parent doesn't use such resources, they are asked to show how they will develop the child's English and Maths. The information should also include details of any provision external to the home, and up to date contact details for the family.

The parent is asked to return the education plan (or information in a format of their choosing) by a specified date (which is usually **3 weeks** from the date of contact).

At this point, assuming there are no concerns about suitability of the education, the HEA sends a letter to the parent to acknowledge receipt and to explain that the next contact will be six months hence.

Six month review

Where sufficient information is shared with the HEA, a follow up request for information is made six months after the family has started to home educate; ideally, parents are asked to complete an education report template although again, they may prefer to share the information requested in a format of their choosing. Again, the update should include details of any provision external to the home, and up to date contact details for the family.

The parent will be asked to set out in detail the education they are providing for each of their children to show that the education satisfies the Education Act, meaning that the child/ren is/are receiving a full-time education suitable to age, ability and aptitude and any special educational needs. It is helpful if the report is accompanied by photos of each child's work.

Assuming there are no concerns about the suitability of education, the HEA sends a report detailing the suitability of education over the previous six months.

Annual review of home education

The same process will occur at the time of the child's annual review. As a result of an annual review (where the child is receiving a suitable education), the LA issues a report indicating that the parents, in the previous period (usually twelve months), have provided a suitable education.

Home Visits

In the case of newly home educated children, the HEA will usually seek to undertake a home visit where there are concerns about the suitability of the education. In addition, where a parent requests a home visit, the HEA will aim to accommodate this request. Home visits may also be arranged by the HEA (or an EWO) where concerns have been shared with the EWS about a child's education. Parents are under no obligation to agree to a home visit in relation to home education.

Outcomes at Each Point of Contact

Outcomes will be either that:

- The education is considered to have been full time and suitable to the age, aptitude and any special educational needs the child may have
- The education is not yet considered to be full time and suitable to the age, aptitude and any special educational needs the child may have but has the potential to become so. In this case, the HEA will make suggestions and recommendations to help the family establish their education provision and agree a date at the time with parents within six weeks to review the progress they have made.
- The education, even after suggestions have been made, is not considered to be full time or is not suitable to the age, aptitude and any special educational needs the child may have. The case will be closed to Home Education and referred to an EWO for investigation as a possible case of a child missing from education.
- Parent has declined to share any information

Year 12 and 13 (Aged 16-19)

Young people in Years 12 and 13 may be home educated instead of participating in more formal education provision. Parents may be asked by DWP or the Benefits Agency for details of the education they are providing and may be expected to have exams arranged for their child via validated centres. There is no formal communication between the LA and families of home educated young people in this age group other than to confirm their status.

Educating Children with SEND at Home

Parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether or not the child has an Education and Health Care Plan (EHCP). The EHCP remains in force and will be annually reviewed.

If the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making "suitable arrangements", and the authority could not conclude that they were absolved of their responsibility to arrange the provision in the statement. Parents need only provide an efficient, full-time education suitable to the age, ability and aptitude and to any special educational needs the child may have as defined in Section 7 of the Education Act 1996. It is the authority's duty to arrange the provision specified in the EHCP, unless the child's parent has made suitable provision, for as long as a statement is maintained. In some cases a combination of provision by parents and LA may best meet the child's needs. Local authorities should consider, for example, providing access to additional resources or treatments where appropriate.

Where parents prefer (and if sufficient information is available), the annual review of the EHCP can be used to establish the suitability of education. However, many parents find that a visit from the HEA offers positive support and reassurance and this option remains available to families.

A child who has an EHCP remains the responsibility of the Authority in terms of meeting their special educational needs, and this will be part of the discussion between the HEA and parents.

Cases where the Judgement is that the Child Appears to be Missing from Education

If parents refuse to provide information about the education a child is receiving, or, if the view is that a child is missing from education because the information provided does not indicate that a child is receiving a suitable education at home, the child's case will be referred to an EWO for investigation.

The parent will be required to find a way of satisfying the Education Act by ensuring suitable education provision. The Education Act 1996 (as amended) states that: *If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him (her) to satisfy them within the period specified in the notice that the child is receiving such education.*

Parents can contact the EWS at any time to request a review to confirm that the education is now full time and suitable to the age, aptitude and any special educational needs the child may have. In this case, the child's case will always be reviewed by the HEA and EWS action will cease if suitable education is confirmed.

If no information is provided, or, if the information provided by the parent does not satisfy the LA that the child is receiving a suitable education, the EWS will follow the School Attendance Order procedure. Failure to comply with an Order is an offence and proceedings will usually be initiated. Information will be laid with the Magistrates' Court.

Responsibility for Elective Home Education Policy and Practice

In accordance with Government Guidance, a named Senior Officer in Leicester City Council has responsibility for Elective Home Education policy and practice:

Name: Sue Welford

Role: Principal Education Officer

Postal Address: City Hall, Leicester City Council, 115 Charles Street, Leicester, LE1 1FZ

Telephone: 0116 454 1009

This Senior Officer is familiar with Elective Home Education law, policies and practices and is responsible for ensuring that HEAs are trained and qualified in the law and home education methods and competent to confirm the suitability and appropriateness of Elective Home Education provision.

The HEAs employed by LCC will carry an Identification badge at all times and it is prudent for parents to check for this identification before admitting anyone to their home.

Complaints Procedure

Complaints regarding the Elective Home Education Service are dealt with through LCC's Complaints procedure.

Stage 1 – Making a complaint

Once a complaint has been made, an acknowledgement will then be sent to you within 24 hours telling you the name and telephone number of the person to be contacted in the event of any further queries on your complaint.

If they can, the LCC will resolve your complaint straightaway but sometimes they may need a little longer to investigate and respond. They will however, send a reply in writing to you **within 10 working days** or let you know when you can expect to hear from them.

Stage 2 – Not satisfied with their response?

If when they respond you are not happy with the way they have dealt with your complaint, you may ask for it to be reviewed by a Senior Manager, from a different Section to the one you're complaining about. You should expect a response within 20 working days.

It is hoped that Leicester City's Complaints Procedure will quickly resolve any problems you may have. However, should this not be the case then you can refer your complaint to the Local Government Ombudsman.

Information on "How to complain to the Local Government Ombudsman" can be found at the [LGO website](#) or by picking up a copy of the leaflet from any of the LA's main access points.

Further Guidance and Information

- The Home Education Advisory Service
<https://www.heas.org.uk/>
- Education Otherwise Association
<https://www.educationotherwise.org/>
- Leicester City Council: Education at Home Policy
<https://tinyurl.com/muexah7y>