

**PORTSMOUTH CITY COUNCIL
DIRECTORATE OF CHILDREN, FAMILIES AND LEARNING**

POLICY FOR ELECTIVE HOME EDUCATION

Introduction

This policy document applies to those children of statutory school age whose parents have electively chosen to educate their children at home. It does not refer to children who have a home tutor provided by the Local Authority (LA) as a result of them being unable to attend school because of illness, exclusion or for any other reason.

This document explains:

1. parents' rights to educate their children at home and their responsibilities, as well as some definitions of suitable education,
2. the legal duties and responsibilities of Headteachers,
3. the legal duties and responsibilities of the Local Authority, and
4. the arrangements the Local Authority will make in order to carry out its legal duty, i.e. if it appears that a child of compulsory school age is not receiving education suitable to age, ability, aptitude and special needs and needs to take steps to ensure that this is remedied in line with Sections 437-443 of the Education Act 1996.

"If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education."

1. Parents' Rights and Responsibilities

- 1.1 The law allows parents to educate their children at home instead of sending them to school, ensuring that their child receives an efficient full-time education.
- 1.2 It is also legally permissible for a pupil to attend part-time through '*flexi-schooling*' whereby a child attends school for an agreed part of the week and receives part of their education at home. In such an arrangement the school must formally agree to a written parental request to educate their child at home for a part of each week.
- 1.3 This is a variation of elective home education and is subject to Local Authority arrangements for monitoring the work of home educators.

1.4 The parents' legal duty is set out in Section 7 of the Education Act 1996 as follows:

"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."

1.5 The European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2 of Protocol No 1 also supports this:

"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 in conformity with their own religious and philosophical convictions."

1.6 The implications of this section of the Education Act 1996 are clear:

- **Parents have a right, if they choose to do so, to educate their children at home;**
- **Parents do not have to inform the Local Authority that this is their choice**, although we encourage them to do so.

1.7 Parents of children who have been registered at a school and who begin home education need to inform the school that they are providing education otherwise than at school so that the child's name can be removed from the register. Parents do not need to ask permission from the Local Authority to begin home education and are under no obligation to inform the Local Authority of their intention.

1.8 Under Regulation 8(2) of the Education (Pupil Registration)(England) Regulations 2006 parents seeking to home educate children registered at a special school must obtain the consent of the Local Authority to withdraw their child from the school. The purpose of giving consent is so that all parties can ensure smooth transition into home education for those children with complex special educational needs.

Definition of Suitable Education

1.9 There is no absolute definition of what a suitable education is. An interpretation was provided by a Court appeal case [Harrison & Harrison v Stevenson (1981)]. The parents appealed against their convictions for failure to comply with School Attendance Orders.

1.10 The Court held that education is suitable to a child's age, ability and aptitude 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.

1.11 In another Court case [R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (1985)] a definition of suitable education was offered as follows:

“education is ‘suitable’ if it 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 whole, as long as it does not foreclose the child’s options in later years to adopt some other form of life if he wishes to do so.”

1.12 There is no definition of full-time education and there is no direct comparison with the timetable and educational arrangements for children taught in schools. Children educated by their parents are taught on a one-to-one basis, or in small groups and in very different conditions to what takes place in a school.

1.13 A home educating parent is not required to provide any particular type of education and is under no obligation to:

- have premises equipped to any particular standard
- have any specific qualifications
- cover the same syllabus as a school
- adopt the National Curriculum
- make detailed plans in advance
- observe school hours, days or terms
- have a fixed time-table
- give formal lessons
- replicate peer group socialisation, such as would take place in school
- match school, age-specific standards
- produce examples of ‘work’ for inspection
- seek permission to educate “otherwise”
- take the initiative in informing the Local Authority
- have regular contact with the Local Authority
- meet with the Local Authority

However, officers of Portsmouth City Council will use their best practices to encourage parents to maintain regular contact with the Local Authority so that we can appropriately fulfill our statutory functions.

Flexi-schooling

1.14 It is an offence for a parent to fail to ensure that a child of compulsory school age attends regularly at the school at which s/he is registered. However, Section 444(3) of the 1996 Education Act states:

"The child shall not be taken to have failed to attend regularly at the school by reason of his absence from the school (a) with leave"

The term Leave is defined in Section 444(9) as:

"In this section 'leave', in relation to a school, means leave granted by any person authorised to do so by the governing body or proprietor of the school."

The Headteacher may therefore agree to authorise absence to a home educating parent who requests their child to attend school on a part-time basis, as part of their education provision, for which they have responsibility.

- 1.15 Flexi-schooling is a way of providing education other than at school for an agreed part of the week. Because the child remains registered at a school, the requirements of the National Curriculum **must** be met. There is no obligation on the school to co-operate with a parental request to home educate for part of the week. The request must be made in writing and formally agreed by the Headteacher. Schools continue to receive the full Age Weighted Pupil Unit for any pupil who is following this arrangement.
- 1.16 There may be any of a number of reasons why this arrangement might be made for example:
- Illness
 - A desire to home educate while making use of school for some subjects
 - School-based anxiety/refusal
 - A staged return to school after a long-term absence for a specific reason.
- 1.17 It is recommended that there should be a written agreement about the specific days and times the child will attend school and the respective responsibilities for the elements of the National Curriculum. Head teachers should inform the Personalised Learning Manager of any flexi-schooling placement so that Local Authority arrangements can be put in place to satisfy that the combined provision constitutes a 'suitable' education. Children who are flexi-schooled are fully on the roll of the school and are counted in the school's formal examination procedures.

2. The Headteacher's Duty

- 2.1 The Education (Pupil Registration)(England) Regulations 2006 set out the conditions under which a pupil's name must be removed from the admission register of a school. Under Regulation 8(1)(d), the name of a school-age pupil is to be deleted from the admission register if: "he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school".
- 2.2 Under Regulation 12(3) the proprietor of the school must report the deletion of the pupil's name from the admission register to the Local Authority immediately. Guidance on the Regulations allows schools to delay the removal of the child's name from the register for a maximum of two days to allow notification to reach the Local Authority.

3. The Local Authority's Duty

- 3.1 Sections 437-443 of the Education Act 1996, dealing with School Attendance Orders, confer a duty on the Local Authority if it appears that a child of compulsory school age is not receiving education suitable to age, ability, aptitude and special needs.
- 3.2 The legal duty of Local Authority is concerned only with children who appear not to be receiving a suitable education. However, case law [Phillips v Brown (1980) unreported] established that a Local Authority may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided.
- 3.3 Parents of a child who has a Statement of Special Educational Needs can educate them at home. However, if the child is on the roll of a special school the child's name may not be removed from the register of that school without the Local Authority's consent. Consent may not unreasonably be withheld.
- 3.4 The Local Authority's statutory duty to undertake an annual review of Special Educational Needs continues for those who are home educated. This review includes assessing whether the statement is still appropriate, requires amendment, or might cease to be maintained.

4. The Arrangements made by the Local Authority

This section sets out the arrangements Portsmouth City Council will make to ensure it carries out its statutory duties for children educated by their parents.

- 4.1 Provide Local Authority Advisers who are available to liaise with parents on request. The role of the Local Authority Adviser will be explained in information provided for parents.
- 4.2 Maintain a register of pupils being educated at home. As this is not a statutory duty it is acknowledged that this list may be incomplete, especially as parents are not legally obliged to inform the LA. However, this list will enable Local Authority Advisers to make contact with parents to offer support and work in partnership, if the parent wishes.
- 4.3 Publish information for parents who wish to educate their child at home. This information will be available for those enquiring about educating children at home and for those who already do this. Efforts will be made for parents to access this information through the Portsmouth City Council website.
- 4.4 Organise the annual review for children with Statements of Special Educational Needs.

4.5 If it appears that a child is not receiving a suitable education then the Local Authority will allow parents a reasonable amount of time to address concerns, giving notice of what needs to be remedied. If appropriate remedies are not put in place then we will then initiate proceedings under the Education Act 1996, and in line with our local guidance relating to attendance, for a School Attendance Order, requiring the child to attend a named school.

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