



**Surrey County Council
Elective Home Education
Policy and Procedure
June 2020**

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1.0 Introduction

- 1.1 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents¹ at home, rather than providing education for their children by sending them to school. This is different to home tuition provided by a Local Authority (LA).
- 1.2 This document outlines our recently reviewed policy and procedures to enable Surrey County Council (SCC) to comply with its duties towards children and young people living in Surrey whose parents have elected to educate them otherwise than at school. It is published for parents, schools and other agencies with an interest in EHE.

2.0 Policy Statement

The DfE “Elective Home Education Guidelines for Local Authorities”, published in April 2019, emphasises the importance of Local Authorities building effective relationships with home educators that function to safeguard the educational interests of children and young people: relationships that are rooted in genuine mutual understanding, trust and respect.

This revised policy seeks to build improved relationships with home educators and provide a means to effectively protect the educational and safeguarding interests of children being electively home educated where vulnerabilities are identified.

3.0 The Law relating to Elective Home Education

- 3.1 The definition within section 7 of the Education Act 1996 provides that

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

(a) this age, ability and aptitude, and

(b) to any special educational needs he may have, either by regular attendance at school or otherwise.”

- 3.2 There is no legal definition of what constitutes a “full-time” education. Measurement of “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 educator and the types of educational activity which the child follows may be varied and flexible.
- 3.3 Compulsory school age begins on the next prescribed day following a child’s fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August each year. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach the age of sixteen.

4.0 Parental Rights, Responsibilities and Considerations

- 4.1 Parents have a legal right to educate their child at home and are not required to have any qualifications or training to provide their children with a suitable education. The

¹ The term “parent”, unless the context otherwise requires, in relation to a child or young person, includes any person -

(a) who is not a parent of his but who has parental responsibility for him, or

(b) who has care of him, except that in [section 499(8), Education Act 1996] it only includes such a person if he is an individual.

1996 Education Act makes clear that it is a parent's duty to ensure his/her child receives suitable education in accordance with section 7. In addition, the Act provides that, generally, children are to be educated in accordance with the wishes of their parents.

- 4.2** Parents are not required to inform the Local Authority that they intend to elect or have elected to home-educate. They are not required to seek approval from the LA, unless the child has an Education, Health & Care Plan and the LA has arranged educational provision at a school specified by the plan. If the child is subject to a School Attendance Order ('SAO'), the SAO should be revoked before EHE begins.
- 4.3** Parents whose child is enrolled at a school are advised to write to the Headteacher to inform them that they elect to home educate, unless the school is named on the child's Education, Health & Care Plan, in which case parents are required to seek approval from the Local Authority first. Parents whose child is not enrolled at a school have no obligation to inform the Local Authority that they are home educating their child, however the Local Authority encourages contact with all home educating families and may make enquiries with the parents.
- 4.4** Although parents must provide education in accordance with section 7, (see paragraph 3.1 above), the type of educational activity can be varied and flexible. For example, parents may choose but are not required to:
- teach the National Curriculum
 - 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 completed by their child
 - formally assess progress or set development objectives
 - reproduce school type peer group socialisation
 - match school-based, age-specific standards
- 4.5** Parents may arrange for other people to tutor their child, though parents themselves continue to be responsible for the education provided. It is recommended that parents ensure that such people are qualified and suitable, including Disclosure and Barring Service (DBS) checks.
- 4.6** Parents who elect to home-educate assume full financial responsibility for their child's education, including the costs of private tuition, courses and public examinations. However, colleges can claim the cost of course fees directly from the Education Skills Funding Agency on an individual basis for home educated young people under 16 when parents and colleges are able to reach suitable individual arrangements. These individual arrangements are not brokered through the Local Authority but directly between parents and colleges.

5.0 The Local Authority's Responsibilities

Article 2 of Protocol 1 of the European Convention on Human Rights states that:

No person shall be denied the right to an 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 conviction.

Surrey County Council supports and encourages parents who opt to educate their child at home.

- 5.1** Local Authorities have a statutory duty, under section 436A of the Education Act 1996 to make arrangements to enable them to establish (so far as it is possible) the identities of children in their area who are not receiving a suitable education. This duty applies to all children of compulsory school age who are not on a school roll and do not appear to be receiving a suitable education otherwise than being at school.
- 5.2** A further statutory duty exists, which requires the Local Authority to serve a formal notice under section 437 of the Education Act 1996 if it appears that a child of compulsory school age is not receiving a suitable education. The formal notice requires the parent to satisfy the Local Authority that the child is in fact receiving suitable education. If the Local Authority is not satisfied that the child is receiving a suitable education, the Local Authority may commence the statutory process for the issue of a School Attendance Order ('SAO') requiring the parent to register the child at a named school.
- 5.3** The Local Authority has no legal power or duty to monitor home education on a routine basis although the Local Authority will make enquiries if it is not clear that a child is receiving suitable education. The Local Authority sees its role in relation to home education as part of its wider responsibilities, including safeguarding, to all the children in its area.

6.0 Responsibilities of Schools in Surrey

- 6.1** There is no legal requirement for parents to discuss home education with the school but if a parent does approach the school to discuss the possibility of home educating, the Local Authority expects the school to respond positively and constructively. If parents are considering home education because of a dispute with the school, the Local Authority expects the school to take all necessary steps to resolve the issue. This is likely to be scrutinised by the Local Authority. The school should signpost the parent to the Local Authority Inclusion Service for further advice and guidance to enable them to make an informed choice.
- 6.2** The DfE guidelines make it explicit that:

“Schools should 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 relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them.”

The Local Authority will contact electively home-educating parents who remove their child from a school roll. If it is found that a parent has been encouraged by a school to remove their child from roll for the purposes of elective home education, this will be challenged, and the child reinstated on roll when appropriate with parental consent, whether the vacant place has been filled or not.

When a parent reports that they have been encouraged to remove their child from roll

for the purposes of elective home education and then finds that they are unable to cope with the commitment, the expectation is that In Year Fair Access Panel will name the previous school for placement.

- 6.3** When a school 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, 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) of 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”*.
- 6.4** In practice the school must inform the Local Authority immediately when a child is removed from the school roll and send in a copy of any relevant letter written by parent(s). The school must also provide information requested by the Inclusion Service. The school must create a Common Transfer File and post it to the school to school (s2s) secure website where the file will be stored in the Lost Pupil Database section.
- 6.5** The school is responsible for raising any safeguarding concerns relating to a child with the Children's Single Point of Access (CSPA). Home Education is not, in itself, a safeguarding concern.
- 6.6** The school must retain the child's school file. Parents can request a copy of this file from the school to assist them in planning their child's education.

7.0 Elective Home Education and Safeguarding

- 7.1** The welfare and protection of all children, both those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community. Section 175 of the Education Act 2002 imposes a duty on the Local Authority to make arrangements for ensuring that the functions conferred on them are exercised with a view to safeguarding and promoting the welfare of all children resident in Surrey.
- 7.2** The Inclusion Service will follow Surrey's Safeguarding Children Board safeguarding procedures at all times and work with relevant agencies and individuals to proactively safeguard and promote the welfare of children and, in the event of any concerns about the welfare of a home educated child, initiate and follow established procedures.
- 7.3** EHE Inclusion Officers will contact the Multi-Agency Safeguarding Hub when there is uncertainty about the welfare of the child. EHE Inclusion Officers will explain the reasons for any welfare concerns to the parents in accordance with procedure.
- 7.4** EHE Inclusion Officers will make reference to the LA's guidance on Unregistered Provision and the LA's Unregistered Provision Strategy in their communication with Home Educating families.

8.0 Support, guidance and resources provided by the Local Authority

- 8.1** The Inclusion Service provides support in the form of:

- Publishing written information about EHE that is clear, accurate and sets out the legal position, roles and responsibilities of both the Local Authority and parents;
- Discussing the implications of EHE with parents before they make the decision to leave or enter the school system;
- Producing and distributing accurate written records of meetings with home educating parents and children;
- Promoting positive relationships with elective home education families based on mutual understanding, respect and trust in order to safeguard the educational interest of children;
- Seeking to mediate between schools and potential EHE families when the relationship has broken down and parents feel obliged to withdraw their child.

8.2 Surrey County Council embraces diversity and respects individual choice. The Inclusion Team recognises that parents of all educational, social, racial, religious and ethnic backgrounds successfully educate children outside the school setting.

9.0 Surrey County Council's EHE Procedures

9.1 When the Inclusion Service receives formal confirmation from a school or directly from a parent that a child is being home educated, a check will be made on the Capita ONE database to ensure that de-registration has been correctly recorded. An EHE Involvement will be created in the database which will enable the LA to record involvement with the family.

9.2 The EHE Inclusion Officer will send a letter and an 'Elective Home Education Parent Guidance' to parents and will ask for basic information via completion of an "EHE Outline Plan" form or other chosen format. A visit from a Link Worker will be offered to discuss the child's education at home and to offer the parent support and advice when family vulnerabilities are identified. The aim of the visits will be to maintain a positive and constructive relationship with parents. Parents are not obliged to accept a visit. Electronic records will be saved securely.

The Inclusion Service:

- Checks LCS Database - (the electronic recording system on which social care staff record information on their contacts and activity relating to individual service users in Surrey) and contacts Social Care for information if the child is subject to an Early Help Assessment, Child In Need or Child Protection Plan (open or closed).
- If the child is subject to a Child in Need Plan, Child Protection Plan or Early Help Assessment the Inclusion Officer will liaise with the child's Social Worker or Early Help worker to determine risks associated with that child being Electively Home Educated
- Requests information from school, including written notification from the parents of their intent to electively home educate and advises on/off roll procedure.
- Checks if there are siblings.

9.3 The Inclusion Service will arrange a home visit within 10 school days of the notification to home educate.

9.4 Parents may exercise their right not to allow the Local Authority access to the home, the child or the child's work. The duty on Local Authorities to intervene under section 437(1) of the Education Act 1996 applies if it appears that parents are not providing a suitable education.

9.5 Following a consented visit, EHE Inclusion Officers complete the “Inclusion Service EHE Enquiry Form” and agree next contact with parents. Within 7 working days of the visit the EHE Inclusion Officer will:

- Send a letter with a copy of the EHE Enquiry Form. Parents will then be given the opportunity to ratify/amend the summary before it goes on file and is circulated to other individuals where relevant.
- Upload the completed “EHE Enquiry Form” to the child’s record (9.2 above) and shares with the SEN Casework Officer (where appropriate).
- A further 6-8 week contact is made to parents to discuss their progress as Home Educators, that the decision they made remains the right one and whether they require signposted support

9.6 All families will receive an Annual Visit from the EHE Inclusion Officers to monitor progress and provision

- For children who are Child in Need or subject to a Child Protection Plan EHE Inclusion Officers will remain actively involved in liaising with Children Services and are expected to contribute to the monitoring of the Plan. This can involve more regular visits and contact with the family.

9.7 Where formal notice is required:

If it appears to the Inclusion Service that a suitable education is not taking place, then the Inclusion Officer should go through the following steps:

- Allow the parent the opportunity to address the identified issues and recommendations for improvements within a mutually agreed timescale. These should be discussed and agreed with the parent and confirmed in writing. When a home visit has not been consented to, concerns (with evidence) about suitability and sufficiency of education will be logged using the same process regardless.
- If there are safeguarding concerns the CSPA will be contacted without delay.
- After the agreed timescale for improvement, if the education is still believed to be unsuitable, the Inclusion Service will commence the statutory process for issuing a School Attendance Order (‘SAO’).
- An Inclusion Officer will write to parents requiring them to satisfy the Local Authority within 15 days (plus two days for service by first class post) that the child is receiving efficient, full-time education suitable to the child’s age, ability and aptitude and to any special educational needs he/she may have. If the Local Authority continues to be dissatisfied with the education being provided, a statutory “Notice of Intention to Serve a School Attendance Order will be served on the parent. This notice indicates the LA’s intention to formally order the parent to register the child at a school. It will identify school(s) the LA deems suitable and allow the parent 15 days to propose alternatives. If the parent does not respond, or does not make satisfactory arrangements elsewhere, the Local Authority may issue an SAO in accordance with its stated intention. Failure to comply with an SAO is a criminal offence for which the parent(s) can be issued with a penalty notice or prosecuted in the Magistrates’ Court.

9.8 Reasonable steps to resolve the situation will be taken by the LA before the SAO statutory process is commenced. At any stage following the issue of an SAO, parents may present evidence to the Local Authority that they are now providing suitable education and apply to have the Order revoked. If this is refused, parents can choose to refer the matter to the Secretary of State for Education. If the Local Authority prosecutes parents for failure to comply with a SAO, the parents may be acquitted if

they can prove that the child was receiving a suitable education otherwise than at school at the time of the offence. If the parents are acquitted, the court may direct that the SAO shall cease to be in force.

- 9.9** In cases where the EHE service has been unable to contact a family, the child/ren will be recorded as CME. This role discharges the Local Authority's duty to children missing education.

10. Effective Home Education and Special Needs in Surrey

- 10.1 Parents' right to educate their child at home applies equally where a child has an Education, Health and Care (EHC) plan. The Local Authority has a duty to review Education, Health and Care (EHC) plans annually, following procedures set out in the "SEND code of practice: 0 to 25 years". Annual Review meetings will be convened and chaired by the SEN Casework Officer.
- 10.2 If the child is on the roll of a special school or mainstream school specified by the child's Education, Health & Care Plan, the child's name may not be removed from the school register without the Local Authority's consent, or if the Local Authority refuses to give its consent, at the Secretary of State's direction [Regulation 8(2) Education (Pupil Registration) (England) Regulations 2006]. Schools/academies should call an early review as soon as they are aware of an intention to home educate.
- 10.3 In order to assess whether home provision is suitable for the special education needs of the child, parents will be asked to provide information regarding the home education provision. The Local Authority will only be relieved of its duty to arrange the provision specified in the child's EHC plan if it is satisfied that the parents' arrangements are suitable.
- 10.4 If the Local Authority is satisfied with the parents' arrangements it will continue to have a duty to maintain and review the EHC plan annually until: it decides to cease the EHC plan; or the EHC plan automatically lapses; or the EHC plan is transferred to another Local Authority. The Local Authority does not have to name a school/setting in part 4 of the child's EHC plan, though it may state the type of school it considers appropriate. In cases where Local Authorities and parents agree that home education is the right provision for a child or young person with an EHC plan, the plan should make clear that the child or young person will be educated at home. If it does, then the Local Authority, under Section 42(2) of the Children and Families Act 2014, must arrange the special educational provision set out in the plan, working with the parents. Under Section 19 of the Act, a Local Authority must have regard to the views, wishes and feelings of the child and his or her parents, or the young person.
- 10.5 Where it appears to the Local Authority that a child is not receiving education suitable to age, ability and aptitude and SEN, the procedures set out in 9.6 will be followed. If the EHC plan remains in place, it will be maintained and reviewed annually and amended where necessary. The annual review will be arranged by the SEN Casework Officer.
- 10.6 Therapy provision, if stipulated in the EHC plan, should be accessed through the GP or at the electively home educating parents' expense and professionals invited to contribute to the annual review.
- 10.7 A parent who is educating their child at home may ask the Local Authority to carry out a statutory assessment of their child's special educational needs and the Local

Authority will consider the request within the same statutory timescales and in the same way as for all other requests.

11. The Inclusion Service

11.1 EHE Inclusion Officers must ensure that all reasonable care is taken to ensure their safety, be advised by any risk assessment information and report any concerns over health, welfare and safety issues to their manager in the first instant. They will adhere to all elements of the Lone Working Policy consistently.

12. Review and Evaluation

This policy and procedure will be reviewed annually. Consultation with home educators will take place where there are significant changes to policy or procedure. The voice of parents and children/young people, through the EHE service, also informs developments. Surrey County Council is committed to securing an effective partnership with home educators based on respect, consent (within the parameters of safeguarding legislation) and with the best interest and rights of the child at the centre.

References

- Education Act 1996 www.legislation.gov.uk/ukpga/1996/56/contents
- Education Act 2002 www.legislation.gov.uk/ukpga/2002/32/contents
- Special Educational Needs Code of Practice 2014: <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- <https://www.gov.uk/government/publications/elective-home-education-2019>

APPENDICES

Appendix 1 – Inclusion Service EHE Enquiry

Form Appendix 2 – Evidence of Work Template

Appendix 3 – Elective Home Education: Guidance Notes for Parents

INCLUSION SERVICE: EHE ENQUIRY FORM

DATE AND TIME OF VISIT.....
.....

STUDENT'S NAME **DATE OF BIRTH**
.....

ADDRESS VISITED
.....
.....
..... **Post Code**
.....

PARENTS: (1) **(2)**
.....

CONTACT TEL. NOS.
.....

PRE-HOME VISIT CHECKS AND ISSUES IDENTIFIED:

CHECK	Issue/Response
EMS CHECK <ul style="list-style-type: none">• School history (Incl. reason for leaving last school)• Known to Surrey Education Services?• SEN(D)?• Traveller (on site/ housed)	
ICS CHECK <ul style="list-style-type: none">• Known to Surrey CS's?• Open to Surrey CS's?	
OTHER <ul style="list-style-type: none">• Worker Safety risk assessment	

INFORMATION TO BE ASCERTAINED DURING VISIT

<p>PARENTS ARRANGEMENTS FOR EDUCATION (If EHE please ask the following questions relating to EHE).</p>	
<p>Reasons for EHE?</p> <ol style="list-style-type: none">1. Distance or access to a local school2. Religious or cultural beliefs3. Philosophical or ideological views4. Dissatisfaction with the system5. Bullying6. As a short term intervention for a particular reason7. A child's unwillingness or ability to attend school8. Special educational needs	

<p>9. Parents desire for a closer relationship with their child</p>	
<p>Is the parent aware of legislation relating to EHE?</p> <p>Ensure parent has a copy of Surrey EHE advice for parents</p>	
<p>Does the parent have any plans on how they will implement home learning? Do they require any advice, guidance or support to get started with EHE?</p>	
<p>CHILD SEEN</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> Parent refused <input type="checkbox"/> </p>
<p>ANY SIBLINGS?</p> <ul style="list-style-type: none"> • Names & DOBs • Education Provision 	
<p>OTHER ISSUES IDENTIFIED / SERVICES INVOLVED</p>	
<p>ACTION TAKEN IF NO RESPONSE AT THE DOOR</p>	

<ul style="list-style-type: none"> • Note of visit left • Mail /rubbish visibility • Enquiries with neighbours 	
--	--

GENERAL OBSERVATIONS i.e. presentation of property/child

FOLLOW UP ACTION:

- ADMISSION FORM COMPLETED / REFERRAL TO ADMISSIONS**

- IDENTIFIED AS 'HARD TO PLACE' / REFERRAL TO A2E**

- PARENT CONFIRMED HOME EDUCATION / REFERRAL TO EHE TEAM**

- CP CONCERNS IDENTIFIED / REFERRAL TO SE RAIS TEAM**

- FAMILY NOT IN SURREY / REFERRAL TO PUPIL TRACKING OFFICER**

- REQUIRES FURTHER EWS ACTION - INITIATE SCHOOL ATTENDANCE ORDER PROCESS**

SEND COMPLETED FORM WITH A COPY OF DE REGISTRATION LETTER TO
THE EHE TEAM

OTHER.....

ADDITIONAL NOTES:

IO: SIGNED:
.....

DATE:





EVIDENCE OF WORK TEMPLATE

Name of Learner			
Date of Birth			
Address			
Parent/Carer		Contact Numbers	Tel: Mob:
Email address			
Previous School			
Background Information This could include your reasons for home education, previous school history or any relevant information.			

Planning

You might like to include a copy of your timetable or maybe tell us about your chosen educational plans or educational philosophy i.e. project based learning, distance/e-learning, student led learning, learning about a particular culture, learning through play, national curriculum studies etc.

Curriculum/Subject Information

What subjects have you chosen, how will they be taught?

Resources

You may have opted to teach your child yourself or decided to use online resources, distance learning educational workbooks, find a tutor, other family members and friends may have offered to help?

Please list some examples of the resources that you use to deliver the education:

Social Interactions

Opportunities for your child to socialise/plans for educational outings/ How will you teach your child about Personal, social and health issues. PE etc.?

Targets What are you aiming to achieve over the next few months:		
Examples of work What have you achieved so far? You might like to include copies of student work, extracts from journals, art work, copies of certificates, progress reports etc.		
Completed by	Date	

Please return via email to: ehe.evidenceofwork@surreycc.gov.uk

Alternatively return by post to the address that corresponds with the borough in which you live:

SW - Guildford and Waverley – Inclusion Service SW, Quadrant Court, 35 Guildford Road, Woking, GU22 7QQ.

SE - Tandridge, Mole Valley, Reigate and Banstead – Inclusion Service SE, Consort House, 5-7 Queensway, Redhill, Surrey RH1 1YB.

NE - Epsom and Ewell, Spelthorne and Elmbridge – Inclusion Service NE, Civic Centre, High Street, Esher, KT10 9SD

NW - Woking, Runnymede and Surrey Heath – Inclusion Service NW, Quadrant Court, 35 Guildford Road, Woking, GU22 7QQ.

“Suitable” Elective Home Education

Surrey local authority wishes to support parents choosing to home educate by giving some examples of what might evidence “suitable” education. We will also provide some reasons why the local authority may decide the education being provided is not suitable.

Parents who are home educating their child(ren) should consider their age and ability whilst also ensuring that the work is individualised together with showing progress.

Surrey provide some general guidance as below:

Broad: it should introduce the pupils to a wide range of knowledge, understanding and skills

Balanced: each part should be given enough time but not such that it pushes out other essential areas of learning

Relevant: subjects should be taught so they can be applied to daily life and give children the practical skills they need for adulthood and employability

Differentiated: what is taught, and how it is taught, needs to be matched to the child's age, abilities and aptitude, taking into account any special education need.

We recommend daily reading, writing, and numeracy sessions. Regular social interaction, vocational activities, environmental and health education, citizenship, careers, food technology and information and communication technology sessions can provide differentiated learning opportunities. In addition, children should have an opportunity to carry out physical education by means of exercise and games. Employability skills could also be explored with children, in particular, those in year 9 onwards, focus could be timekeeping, organisational, and interview techniques. Opportunities to mix and relate with other children and adults are considered important to a child's personal and social development.

There may be a variety of reasons why the information / evidence provided is not regarded as suitable by the local authority. This may include:

- The education provision described lacks detail and it is difficult to work out what is being taught / what subjects are being studied
- There is no or very limited examples of work submitted
- There is no or very limited information regarding resources used to support the child's learning
- There is no or very limited detail of how the child's progress is being monitored over time, or examples of work to demonstrate relevant progression
- There is no clear academic or time structure

It is important to note that the above is for guidance and by way of example only and is not an exhaustive list. Each case is judged upon its own individual circumstance