# Surrey County Council Elective Home Education Policy and Procedure September 2022

# **APPENDICES**

CONTENTS	<u>PAGE</u>
1. Introduction	3
2. Policy Statement	3
3. The Law Relating to Elective Home Education	3-4
4. Parental Rights and Responsibilities	4-5
5. The Local Authority's Responsibilities	5-6
6. Responsibilities of Schools in Surrey	6-7
7. Elective Home Education and Safeguarding	8-9
8. Support, guidance and resources provided by the Local Authority	9
9. Surrey County Council's EHE Procedures	9-11
10. Elective Home Education and Special Needs	11-12
11. The Elective Home Education service	12
<b>12.</b> Post 16	12
13. Review and Evaluation	13
Appendix 1 – Inclusion Service EHE Enquiry Form	
Appendix 2 – Elective Home Education Parent Guidance	
Appendix 3 – Evidence of Work Template	
Appendix 4 – SAO Process and Flowchart	

#### 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 parents (1) 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.
- **1.3** We believe education in Surrey should enable all children whatever their age, ability, background, or faith to be able to realise their ambitions, to access a range of opportunities and learn from and relate to their peers.
- 1.4 We value our families who choose to home educate their children and aim to work in partnership with all these families as part of out local vision for education and to fulfil our statutory responsibilities. The EHE Policy sets out respective rights and responsibilities for families and the Local Authority as well as key procedural information.

#### 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) to his 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 The law sets out that all children have the right to an effective suitable education (Section 7 Education Act 1996). A suitable education provides a programme of full-time learning that is suited to the age, aptitude and ability (including special educational needs) of each child. A suitable education provides children with learning that will enable them to

participate fully in life in the UK. Such education does not foreclose the child's options in later life and instead equips them to participate fully in life in the UK. Such education does not foreclose the child's options in later life, instead equips them to live on an autonomous basis away from home or the community they have grown up in.

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.
- 3.4 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 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 should write to the Headteacher to inform them that they elect to home educate, unless a specialist 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 expected 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.

#### 5.4 Expectations

As part of the local vision for education for all children and the LA's oversight of suitable education, all children, including those being home educated, are expected to make sufficient progress in both literacy and numeracy and attain outcomes appropriate to their ability.

The LA will contact parents/ carers at least annually requesting they provide examples of the learning activity that have taken place to be able to evidence the progress their child is making. This contact could be by an arranged home visit by one of the EHE Team or a request for a written report

The local vision expects all children to learn the tools required to pursue a range of life options now and in the future, including: a balanced approach to decision-making, ways to resolve conflicts non-violently, how to live a healthy life and the nature of good social relationships and responsibilities. This is in accordance with the UN Convention of the Rights of the Child. How parents fulfil this expectation is viewed flexibly.

The home environment is expected to be compatible with providing suitable education. It should not be too noisy or cramped nor should there be problems with defects, such as damp or fire hazards, that could leave the child at risk of harm.

The LA encourages all parents to make contact and notify the LA that their child or children are home educated, including when they move into or leave a LA area. The LA will then be able to offer support and signpost to other sources of assistance for home educators. This also helps the LA to fulfil duties to oversee suitable education for all and that children's safeguarding and welfare are protected.

#### 5.5 Responsibilities

The LA should prepare and publish an elective home education policy that has been written in consultation with families who electively home educate, as well as other partners. The LA should also publish clear information about elective home education, including the legal requirements.

The LA has oversight of the provision of a suitable education and is required to establish the identity of all children of compulsory school age who are not receiving a suitable and effective education [under section 436A of the Education Act 1996]. [In this LA, to achieve this, we keep a record of all children who are home educated and encourage all parents who home educate to let us know of all their children who they educate.] The LA also sees its role in relation to home education as part of its wider responsibilities for welfare and safeguarding, to all the children in the local area.

To keep up-to-date information about suitability of education, the LA is expected to make informal contact and enquiries with all parents who home educate requesting information about the current learning programme and progress of children. \*

The LA is required to undertake formal, statutory action if sufficient evidence of the suitability of education cannot be established [under s437 of the Education Act 1996].\*

The LA will make use of its powers and partnership agreements, for example with the NHS, to maintain its record of all children of compulsory school age who are not on a school roll.

In order to satisfy itself that parents are meeting their duty, the LA maintains a database of all children known to be home educated, which is held under Article 6(e) of the GDPR (Public Task Basis). Data Protection Act 2018 and General Data Protection Regulations (GDPR).

When a child recorded as EHE moves out of the LA, the EHE officer or Admin Team will inform the new local authority the child is moving into.

# 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 the parent would submit an application through the normal in-year process.

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.

- 6.4 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".
- 6.5 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. This allows the local authority the opportunity to check any risk factors for the child and if they are known to services. The school must retain the child's file and this should be made available to parents to aid with home education.
- Where a parent/ carer has expressed their intention to remove a child from school with a view to educating at home, the DFE recommends that local authorities, schools and other key professionals coordinate a meeting with parents/career where possible. Ideally this would be prior to a final decision being made.
- **6.7** 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.
- **6.8** 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.
- 6.9 In the interest of the family, recommended good practice would be for the school to allow period of 10 school days after deletion of the name from the school register, for the parents to reflect on their decision having sought further advice and support and to change their mind if they so wish.

## 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. This may include the necessary sharing of information with GP's, Health Visitors and other Health professionals if this is in the interest of a child of young person.
- 7.3 EHE Inclusion Officers will contact the Children's Single Point of Access (C-SPA) 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 unless this discussion would put the child at increased risk of harm. If that is the case, the EHE IO will seek further guidance from social care.

- **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.
- **7.5** Concerns due to change of circumstance. The following non-exhaustive list represents the circumstances under which the local authority may, at any time, contact parents to enquire about their child's education provision. The following circumstances may be an indicator that suitable full-time education is not in place:
  - On notification from the C-SPA that a safeguarding referral has been made.
  - On notification of an Operation Encompass form.
  - If the child becomes subject to child protection or child in need planning.
  - Following a referral of concern to Inclusion Services about the education provision in place.
  - Following a referral from the Children Missing Education Admin Team.
  - If the young person becomes open to the Youth Offending Service.
  - When it is believed that the child may be attending an illegal or unregistered setting.
- 7.6 The LA acknowledges that parents can decide to EHE at any time. However, the safety of the child is paramount and where the child has a CP or CIN plan the suitability of home education will be considered within the context of the plan. On receipt of a declaration to EHE, the Inclusion Officer will:
  - Inform the family that they should provide a written proposal for their plans to provide a full time, suitable and efficient home education.
  - Consider whether a strategy discussion is required
  - Make any necessary changes to protect the child at the next Child Protection conference, core group or Child in Need review meeting.
  - Assess the risk to the child with Social Care, to include health, well-being and
    possible neglect and record how the risk is increased as a result of continuing, or
    starting to, educate the child at home within the record of the meeting;
  - Review the suitability of the family's EHE plan within the meeting.
  - Consult with the child's previous school where appropriate;
  - Suggest amendments to the plan to reflect the necessary actions that need to be taken

where a child whose education provision is EHE has a CP plan, and the CP plan is stepped down to CIN or early help. The plan should detail how the parent/carer will sustain regular reviews of the suitability of education with the EHE team.

# 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 Service 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 EYES 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 IO will send a welcome email to the parents. A visit from the EHE Inclusion Officer will be offered between 6-8 weeks later to discuss the child's education at home and to offer the parent support and advice when family vulnerabilities are identified. An outline of the plan for home education will be sought at this meeting and some evidence that elective home education has been started. This meeting will also offer an opportunity for the EHE IO to discuss with the family how we can support. 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 educate and advises on/off roll procedure electively home.
- Checks if there are siblings.
- **9.3** The Inclusion Service will arrange a school meeting or 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 the school meeting or home visit, Inclusion Officers complete the "Inclusion Service EHE Enquiry Form" and agree next contact with parents. Within 7 working days of the visit the 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. These families will be shown as active
    cases to the EHE Inclusion Officer.
- **9.7** Where formal notice is required:

If it appears to the Inclusion Service that a suitable education is not taking place, then then an 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.
- 9.10 EHE children and young people should have access to all health services that children attending schools receive including information from Public Health and School Nursing Teams related to all routine checks and HPV vaccinations

#### 10.0 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 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 annual 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 educational 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. This process happens via the Surrey EHCP Governance Board.
- 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 9.7 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. The LA will be responsible for identifying suitable placements and the final decision around the placement of the child will lie with the local authority.

- **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.
- 10.8 Parents may also home educate a child who has SEN but does not have an EHC plan. However, the LA does not have a duty under section 22 of the Children and Families Act 2014 to assess every home educated child to see whether or not they have SEN. Information about the right to request an EHC needs assessment and the right to appeal is available to all parents including those who home educate
- **10.9** For students and young people with an EHC plan the support and tracking from the SEN team will continue until the age of 25 or until the EHC plan ceases.

#### 11.0 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.

#### 12.0 Post 16 Learners

- **12.1**: The law now requires all young people in England to continue in education or training until at least their 18th birthday, although in practice most young people continue until the end of the academic year in which they turn 18. The raised participation age (RPA) does not mean young people must stay in school; they can choose one of the following post-16 options:
  - Full-time education, such as school, college or home education;
  - an apprenticeship
  - part-time education or training if they are employed, self-employed or volunteering fulltime (which is defined as 20 hours or more per week).

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 LA but directly between parents and colleges.

In the September following a young person's 16<sup>th</sup> birthday, parents / carers will receive contact and a feedback survey from the EHE team before their details are removed from the EHE list. The survey will be reviewing families plans for post 16. The local Authority have a duty to identify children who are NEET, and to offer support for them to be able to access Employment, Education or Training.

## 13.0 Review and Evaluation

- 1. The EHE service will be reviewed on an annual basis and the policy will also be reviewed to reflect best practice in the light of further government guidance or legislation;
- 2. Annual statistical analysis of equality information (age, gender, ethnicity and SEND) of home educated statutory school age pupils will take place to identify any discernible trends, which will be reported on;
- 3. Reports will be produced as requested by Directors.
- 4. Referrals to other services will also be monitored to ensure relevant support is offered to home educating families with additional needs;
  - 5. Known home educating parents and carers and children will be asked to feedback on the effectiveness of the EHE service and the accessibility of the policy and this will be reported annually.

#### References

- Education Act 1996
- Education Act 2002
- Special Educational Needs Code of Practice 2014:

# **APPENDICES**

Appendix 1 – Inclusion Service EHE Enquiry Form

Appendix 2 – Elective Home Education Parent Guidance

Appendix 3 – <u>Surrey County Council Website – Elective Home Education</u>

Appendix 4 – Evidence of Work Template

Appendix 5 – SAO Process and Flowchart



# Making Surrey a better place

# 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:

СНЕСК	Issue/Response
EMS CHECK	
School history (Incl. reason for leaving last school)	
<ul> <li>Known to Surrey Education Services?</li> <li>SEN(D)?</li> <li>Traveller (on site/ housed)</li> </ul>	
ICS CHECK	
<ul><li>Known to Surrey CS's?</li><li>Open to Surrey CS's?</li></ul>	

OTHER	
Worker Safety risk assessment	
INFORMATION TO BE ASCERTAINED DURING VISIT	
Required Information	Response
PARENTS ARRANGEMENTS FOR EDUCATION (IF	
EHE please ask the following questions relating to EHE).	
Reasons for EHE?  1. Distance or access to a local school 2. Religious or cultural beliefs 3. Philosophical or ideological views 4. Dissatisfaction with the system 5. Bullying 6. As a short term intervention for a particular reason 7. A child's unwillingness or ability to attend school 8. Special educational needs 9. Parents desire for a closer relationship with their child Is the parent aware of legislation relating to EHE?  Ensure parent has a copy of Surrey EHE advice for parents	
implement home learning? Do they require any	
advice, guidance or support to get started with	
EHE?	
CHILD SEEN	Yes □ No □ Parent refused □
ANY SIBLINGS?	
<ul><li>Names &amp; DOBs</li><li>Education Provision</li></ul>	
OTHER ISSUES IDENTIFIED / SERVICES INVOLVED	
ACTION TAKEN IF NO RESPONSE AT THE DOOR	

Required Information	Response
•	
Note of visit left	
•	
Mail /rubbish visibility	
•	
Enquiries with neighbours	

# GENERAL OBSERVATIONS i.e. presentation of property/child

IO:

SIGNED:

DATE:

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	
FURTHER INCLUSION SERVICE ACTION - INITIATE SCHOOL ATTENDANCE ORDER PROCESS	
SEND COMPLETED FORM WITH A COPY OF DE REGISTRATION LETTER TO THE EHE TEAM	
OTHER	🗆
ADDITIONAL NOTES:	



# EVIDENCE OF WORK TEMPLATE

Required Information	Response
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.	

Required	Response
Information	
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: electivehome.education@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, Woodhatch Place, 11 Cockshot Hill, Woodhatch, Reigate, RH2 8EF.
- 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.



### **School Attendance Orders (SAO)**

When a child is not registered to the roll of a school and where there is no evidence that they are receiving a suitable education otherwise than at school, Surrey Inclusion Service must consider issuing a School Attendance Order. This commonly occurs due to one of the following reasons:

- a) Where a parent does not get the school of their preference and then refuse to send their child to the allocated school.
- b) Where a family moves into the area and they make no arrangements for their child's education.
- c) Where a parent opts for 'Elective Home Education' (EHE) and subsequently fails to satisfy the LA that their child is receiving a suitable education.
  - Before an Order is issued the allocated IO would endeavour to meet with parents to discuss their intentions for their child's education provision. In the majority of cases the matter can be resolved, through collaborative working with the family, without having to issue an Order. Where this is not the case, as parents do not engage or the matter is not resolved, the School Attendance Order process is as follows:
  - Step  $1-1^{st}$  School Attendance Order Notice issued to parents Sec 437(1), Education Act 1996. This Notice requests that parents advise the LA of the arrangements being made for the child's education. The parents are given 15 school days to respond.
  - Step 2 2<sup>nd</sup> School Attendance Order Notice issued to parents Sec 438, Education Act 1996. This Notice advises the parent that the LA intends to name a specific school on the School Attendance Order. The parents are given 15 school days to respond. (If a child has an EHCP naming a particular school then it will not be necessary to serve this notice). Once the Notice under s438 has been served the process must continue through to the service of the Order itself even though the parents may have registered the child at a school in the interim.
  - Step 3 School Attendance Order issued to parents. It informs the parents that they are required to register their child at the named school. Failing to comply with the Order is an offence, Sec 443, Education Act 1996 and legal proceedings will commence.

(see flow chart on page 3)

#### www.surreycc.gov.uk



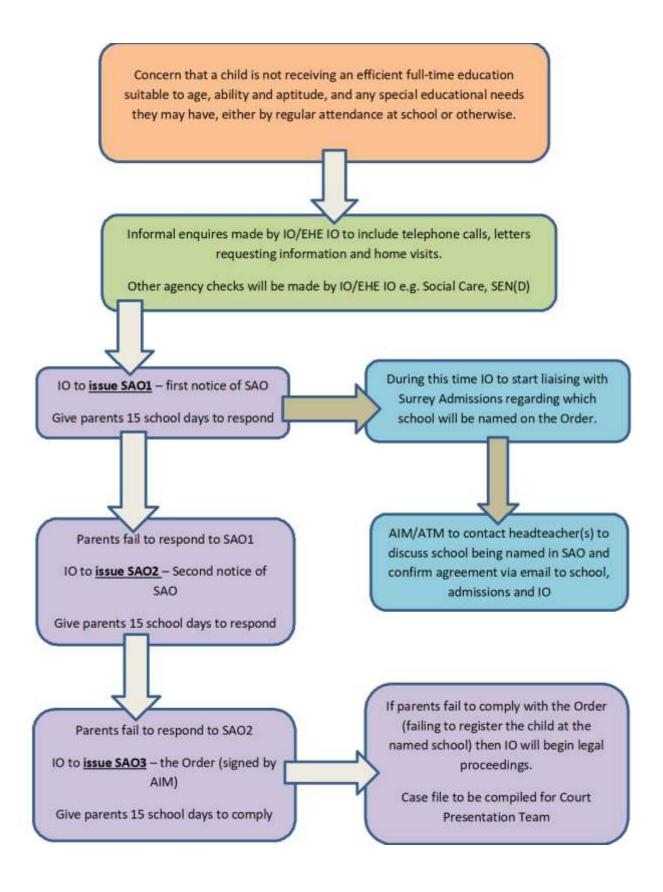
The 15 school days will start on the 3<sup>rd</sup> school day after the Notice is sent out by first class post e.g., if the Notice is sent out on Monday, the first school day will be Thursday.

The school which is to be named on the second Notice and the School Attendance Order will need to be agreed between Admissions, Inclusion and the school.

#### Considerations:

- At step 2 the parents are also given the opportunity to advise the LA of their preferred school (providing there is a place) to be named in the Order.
- Being named on the Order will *not* mean schools will hold absences. The child will not need to be added to the school roll unless a parent engages and agrees a start date with the school in majority of cases they do not.
- Being named on the Order may not necessarily mean the child will be registered at that school parents may subsequently register them elsewhere (maintained or independent) or provide evidence of EHE.
- If prosecution does not affect any change in the circumstances (the child continues not to be registered at a school or evidence that they are educated otherwise is not forthcoming) the process will begin again. These children may never actually join the school roll.
- At any point in the process the parents could start to engage and agree a start date for their child. The child would have to be added to the school roll. If there are any subsequent attendance concerns, then normal procedure would be expected e.g. school intervention – referral to IO – IO intervention – legal proceedings Sec 444, Education Act 1996 if appropriate.
- Sometimes these children will not have had any education for significant periods of time, and the LA have little or no information about their academic profile.





#### "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 provides 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 maths 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 circumstances

