

# Surrey County Council



## Introduction

Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents at home. These parents have chosen to EHE instead of providing education for their children by sending them to school. This is different to home tuition provided by a Surrey County Council (SCC).

This document outlines our recently reviewed policy and procedures which 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 at home. The document is published for parents, schools, and other agencies with an interest in EHE.

We believe education in Surrey should enable all children whatever their age, ability and background to be able to realise their ambitions, to access a range of opportunities and to learn from and relate to their peers.

We value our families who choose to home educate their children and aim to work in partnership with all these families as part of our local vision for education and to fulfil our statutory responsibilities. The EHE Policy sets out respective rights and responsibilities for families and Surrey County Council as well as key procedural information.

## 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.

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.”*

There is no legal definition of what constitutes a “full-time” education. Measurement of “contact time” in this way is

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Surrey County Council believes that all children have the right to an effective, suitable education (Section 7 Education Act 1996). A suitable education should

- provide a programme of full-time learning that is suited to the age, aptitude, and ability (including special educational needs) of each child.
- it provide children with learning that will enable them to participate fully in life.

EHE should not reduce options in later life, and it should support young people to be able to participate fully in life and (equip them to) overcome any difficulties (suitable to) them.

example, parents may choose to 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

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 the undertaking of Disclosure and Barring Service (DBS) checks.

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 and 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 Surrey County Council but directly between parents and colleges.

## **Surrey County Council'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 has a statutory duty, under Section 436A of the Education Act 1996 to make arrangements to enable the Council to establish (so far as it is possible) the identities of children in its 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.

A further statutory duty exists which requires Surrey County Council 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 Surrey County Council that the child is in fact receiving suitable education. If the Council is not satisfied that the child is receiving a suitable education, Surrey County Council may commence the statutory process for the issuing of a School Attendance Order ('SAO') requiring the parent to register the child at a named school.

Surrey County Council has no legal power or duty to monitor home education on a routine basis although Surrey County Council will make enquiries if it is not clear that a child is receiving suitable education. Surrey County Council sees its role in relation to elective home education as part of its wider responsibilities, including safeguarding, to all the children in its area.

If Surrey County Council receives a 'referral of concern' from an individual who believes that a child is not receiving a suitable education at home, the Council's Inclusion Service will discharge the statutory duty of Surrey County Council to make enquiries with the parents, including asking to see evidence of learning.

It is the responsibility of Surrey County Council to 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 policy should set out the legal requirements of both parents and the Council.

### **Oversight and monitoring of provision (ie, suitability of education)**

As part of the local vision for education for all children and Surrey County Council'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.

Surrey County Council will contact parents/ carers at least annually requesting they provide examples of the learning activity that has 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 Council's 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 an understanding 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 that could leave the child at risk of harm.

Surrey County Council encourages all parents to make contact and notify Surrey County Council that their child or children are home educated, including when they move into or leave an area.



The DfE guidelines are clear that:

Although Elective Home Education is not in of itself a safeguarding concern, if the school has any concerns that a child being removed from their roll to be Electively Home Educated might place the child at risk of harm, they must follow their Child Protection Policy. In Surrey schools are asked to register their concerns with the Children’s – Single Point of Access (C-SPA) record their concerns on the EHE Notification Form.

In the interest of the family, recommended good practice would be for the school to provide a ‘cooling off’ period of 10 school days after deletion of the name from the school register. This time allows the parents to reflect on their decision and to seek further advice and support and to change their mind if they so wish.

## **Elective Home Education and Safeguarding**

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 Surrey County Council to make arrangements for ensuring that the functions conferred on

~~them are exercised in a way that safeguards and promotes their welfare (EHA) 0.004 0.010 (is~~





make enquiries with external agencies such as Health to establish if the child/ren have been seen by another professional. If there is evidence that might suggest that Children Services involvement is required, the EHE Inclusion Officer will refer to the C-SPA.

### **Support, guidance and resources provided by Surrey County Council**

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 Surrey County Council 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.

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

### **Surrey County Council's EHE Procedures**

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-







Therapy provision, if stipulated in the EHC plan, should be accessed through the GP or at the electively home educating parents' expense. Professionals providing therapy should be invited to contribute to the annual review.

A parent who is educating their child at home may ask Surrey County Council to carry out a statutory assessment of their child's special educational needs and Surrey County Council will consider the request within the same statutory timescales and in the same way as for all other requests.

Parents may also electively home educate a child who has SEN but does not have an EHC plan. However, Surrey County Council 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.

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.

### **The Inclusion Service**

EHE Inclusion Officers must ensure that before any visits to family homes take place reasonable care is taken to ensure their safety and that they adhere to advised risk assessments. Following a visit, any concerns over health, welfare and safety issues

must be reported to their manager in the first instance. All Inclusion Officers will adhere to all elements of the Lone Working Policy.

### **Post 16 Learners**

Surrey County Council 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 full-time (which is defined as 20 hours or more per week).

Colleges can claim the cost of course fees directly from the Education and 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 Surrey County Council 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

