****

**Southampton City Council**

**Inclusion Services**

**Elective Home Education Policy**

****



**Southampton City Council**

**Inclusion Services**

**Elective Home Education Policy**

**Contents**

[PURPOSE 3](#_Toc49490913)

[SCOPE 3](#_Toc49490914)

[LEGISLATIVE CONTEXT AND OTHER RELATED DOCUMENTS 3](#_Toc49490915)

 [Education Act 1996 3](#_Toc49490916)

 [Education Act 2002 4](#_Toc49490917)

 [Children Act 2004 4](#_Toc49490918)

 [The Education (Pupil Registration) (England) Regulations 2006 4](#_Toc49490919)

 [The European Convention on Human Rights: Right to education 4](#_Toc49490920)

 [The UN Convention on the rights of the child: Right to education and goals of education 4](#_Toc49490921)

 [SEND Code of Practice: 0 to 25 Years (Statutory) 5](#_Toc49490922)

 [ILACS (Ofsted Framework for the Inspection of Local Authority Children’s Services) 5](#_Toc49490923)

 [The Ofsted Education Inspection Framework 5](#_Toc49490924)

 [2019 DFE Elective Home Education Guidance for Local Authorities 5](#_Toc49490925)

 [2019 DFE Elective Home Education Guidance for Parents 6](#_Toc49490926)

 [The Southampton City Council Fair Access Protocol 6](#_Toc49490927)

 [Southampton City Council Practitioner Guidance – Educational Neglect 6](#_Toc49490928)

[POLICY COMMITMENTS 6](#_Toc49490929)

[POLICY STATEMENT 9](#_Toc49490930)

[PUPILS WITH AN EDUCATION, HEALTH AND CARE PLAN 10](#_Toc49490931)

[SUPPORT FROM ELECTIVE HOME EDUCATION VISITORS 10](#_Toc49490932)

 [Offering Visits 11](#_Toc49490933)

 [Unannounced Visits 11](#_Toc49490934)

 [Parental Engagement 12](#_Toc49490935)

[EVIDENCE OF EFFICIENT, SUITABLE, FULL-TIME EDUCATION 12](#_Toc49490936)

[CHANGES IN CIRCUMSTANCE 14](#_Toc49490937)

[SAFEGUARDING 14](#_Toc49490938)

 [When Could Safeguarding Powers be used by the LA? 15](#_Toc49490939)

[DATA SHARING 15](#_Toc49490940)

[GOVERNANCE 15](#_Toc49490941)

[**APPENDIX 1**](#_Hlk49495077) : SCHOOL PROCEDURE

[**APPENDIX 2**](#_Hlk49495723) : LA PROCEDURE – NEW EHE CHILDREN

[**APPENDIX 3**](#_Hlk49495619): LA PROCEDURE – EXISTING EHE CHILDREN

[**APPENDIX 4**](#_Hlk49495494): LA PROCEDURE – SCHOOL ATTENDANCE ORDERS

[**APPENDIX 5**](#_Hlk49495368): LA PROCEDURE – EDUCATION SUPERVISION ORDERS

[**APPENDIX 6**](#_Hlk49495211) : LA PROCEDURE - CHILD PROTECTION AND CHILD IN NEEDPLANNING

|  |
| --- |
| **Elective Home Education Policy** |
| **Version** | 01 | Approved by | Derek Wiles, Divisional Head of Education & Learning |
| **Date last amended** | 31/08/2019 | Approval date | 24/08/2020 |
| **Lead officer** | Tina Selby – ATM for Inclusion  | Review date | 31/08/2021 |
| **Contact** | Tina.selby@southampton.gov.uk | Effective date | 01/09/2020 |

|  |
| --- |
| PURPOSE |
| The law states that that it is parents, not the state, who are responsible for ensuring that children are properly educated and that education does not have to be undertaken through attendance at school. The local authority, however, holds a statutory duty to ensure that all children, including those who are electively home educated children, are receiving suitable education and the Department for Education (DfE) recognises that unsuitable or inadequate education can impair a child’s intellectual, emotional, social or behavioural development.The purpose of this policy is to explain how the local authority aims to deliver its statutory duty and engage with home educating families. |
| SCOPE |
| This policy applies to those children of compulsory school age, where a legal requirement for education to take place exists, living within the Southampton boundary, whose parents or guardians (as defined in the Children Act 1989 and s576 of the Education Act 1996) have chosen to provide education for their child at home, described by the Department for Education as elective home education.The protocol does not refer to children who have a home tutor provided by the local authority as a result of them being unable to attend school because of illness, exclusion or any other reason. The consent of the local authority is not required for a child to be electively home educated, unless the child is enrolled in a special school arranged by the local authority.Where a child has never been enrolled at a school, parents are under no legal obligation to inform the local authority that their child is being electively home educated. We actively encourage, however, all parents who have no plans to enrol their child in school to inform us as part of the reception intake each year.  |
| LEGISLATIVE CONTEXT AND OTHER RELATED DOCUMENTS |
| Education Act 1996* Section 436A requires local authorities to establish the identities of children in its area who are not receiving a suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll and who are not receiving a suitable education otherwise than at school.
* Section 437(1) states that local authorities must act if it appears that parents are not providing a suitable education by serving a notice in writing on parents, requiring them to satisfy the local authority that their child is receiving a suitable education.
* Section 13a requires local authorities to promote high standards and fulfilment of potential. This means that maintaining oversight of education provision is a legitimate part of our responsibilities towards children living in our area.
* Section 7 places a legal duty on parents to ensure their children receive efficient full-time education suitable to their age, ability and aptitude and any special educational needs they may have.

Education Act 2002Section 175 of the act requires local authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children’s welfare. This applies equally to children who are being educated at home, as it does to children attending school.Children Act 2004Section 10 requires local authorities to make arrangements to promote co-operation to improve the well-being of children relating to:* Physical and mental health and emotional well-being.
* Protection from harm and neglect.
* Education, training and recreation.
* The contribution made by them to society.
* Social and economic well-being.

This responsibility applies equally to children who are being educated at home, as it does to children attending school.Section 53 sets out the duty on local authorities to take into account the child’s wishes and feelings with regard to the provision of services. It does not, however, place an obligation on local authorities to ascertain the child’s wishes about elective home education as it is not a service provided by the local authority.The Education (Pupil Registration) (England) Regulations 2006Section 8(1)(d) states that a pupil shall be removed from a school roll following written notification from the parent that the pupil is receiving education otherwise than at school (elective home education is a form of education otherwise than at school). The European Convention on Human Rights: Right to educationArticle 2 of Protocol 1 states that no person shall be denied the right to education but the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions. The UN Convention on the rights of the child: Right to education and goals of educationArticle 28 states that every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Article 29 states that education must develop every child’s personality, talents and abilities to the full. It must encourage the child’s respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.SEND Code of Practice: 0 to 25 YearsUnder this statutory guidance the local authority retains a responsibility for giving permission for children to be withdrawn from special schools to be home educated, for amending the Education Health and Care Plan and for reviewing it via the Annual Review process. ILACS (Ofsted Framework, Evaluation Criteria and Inspector Guidance for the Inspection of Local Authority Children’s Services)Will focus on the information the local authority uses to monitor the welfare of electively home educated children. In particular, those children who are electively home educated and are either on a child protection plan, Education, Health and Care (EHC) plan or are a child in need.The Ofsted Education Inspection FrameworkThe School Inspection Handbook states that Inspectors will be interested in high numbers of pupils moving on and off roll.Grade descriptors for the leadership and management judgment expects that leaders will aim to ensure that all pupils successfully complete their programmes of study. 2019 DFE Elective Home Education Guidance for Local Authorities This guidance document clarifies that:* Identification of children who have never attended school and may be home educated forms a significant element of fulfilling the s.436A (children missing education) duty.
* Until a local authority is satisfied that a home-educated child is receiving a suitable full-time education, then a child being educated at home is potentially in scope of this (children missing education) duty. The department’s children missing education statutory guidance for local authorities applies.
* The duty under s.436A means that local authorities must make arrangements to find out so far as possible whether home educated children are receiving suitable full-time education.
* In all cases where it is not clear as to whether home education is suitable (including situations where there is no information available at all), the authority should initially attempt to resolve those doubts through informal contact and enquiries. An authority’s s.436A duty (and that under s.437) forms sufficient basis for informal enquiries. Furthermore, s.436A creates a duty to adopt a system for making such enquiries. Local authorities should be in no doubt about the necessity for doing this in order to make an early move to formal procedures under s.437 if necessary, thus avoiding delay in securing a suitable education when it is not being provided.
* Whilst the local authority has a duty to safeguard and promote the welfare of children, this duty does not give local authorities the power to enter the home of, or otherwise see, children for the purposes of monitoring the provision of elective home education.
* The Children Act 2004 sets out the duty on local authorities to, where reasonably practicable, take into account the child’s wishes and feelings with regard to the provision of services. It does not, however, place an obligation on local authorities to ascertain the child’s wishes about elective home education as it is not a service provided by the local authority.

There are also recommendations for local authorities contained in this guidance:* They should provide clear information about home education that sets out the legal position and roles\responsibilities of both the local authority and parents.
* They should have a written policy, with input from home educating families, which should be reviewed regularly so that it reflects current law and is compatible with these guidelines.
* They are encouraged to address deficiencies informally before serving a Notice or Order.
* They should organise training on the law & EHE methods for all officers who have contact with EHE families.
* They should keep home educators & home education support organisations informed of the policies and procedures, of Ofsted reviews and any input they will have.

In addition, we will carry out further enquiries if we believe ‘[off-rolling’](https://educationinspection.blog.gov.uk/2019/05/10/what-is-off-rolling-and-how-does-ofsted-look-at-it-on-inspection/) is a feature of a child’s removal from roll for the purposes of elective home education. 2019 DFE Elective Home Education Guidance for ParentsThis document clarifies that:* If a child has never been enrolled at a school, parents are under no legal obligation to inform the local authority that he or she is being home educated or gain consent for this.
* Parents are under no legal obligation from education law to agree to such a meeting (*with the local* *authority*) or to produce specific evidence but you should consider carefully the reasons for not doing so, what is in the best interests of your child, and what is the most sensible approach.

The Southampton City Council Fair Access ProtocolThe current protocol for Southampton is being reviewed and will incorporate how EHE children returning to mainstream education can be better supported. [Southampton City Council Practitioner Guidance Document– Educational Neglect (September 2019)](http://southamptonlscb.co.uk/wp-content/uploads/2019/11/SCC-Educational-neglect-advice-for-practitioners-September-2019-1.pdf) |
| POLICY COMMITMENTS  |
|  |
| **Principle** |  | **We will work to achieve this by:** |
| We believe that well-informed parents will be in a better position to make positive decisions about their child’s education provision.We will be respectful when working with families and act with integrity, honesty and transparency.We believe that effective collaborative working will achieve improved outcomes for children.We will work in a way in which public money and resources are used to greatest effect.We are committed to supporting parents in the first instance to improve the education provision.We are committed to building effective relationships with all home educators that function to safeguard the educational interests of children and young people.We will improve understanding of EHE amongst practitioners working with families and promote it as a positive alternative to school for some children that can achieve better outcomes.We will ensure that we are well informed about EHE and wider issues that could impact upon education provision.We understand that children can thrive in a positive home education environment with parents who are committed to their child achieving their full potential. Our process to meet our statutory duty will not, therefore, exert more oversight than is felt necessary. |  | * Adopting a procedure that requires schools to attempt to engage with parents who intend to remove their child from roll to ensure that their responsibilities are fully understood.
* Maintaining a website aimed at providing advice and support for parents on a wide range of issues.
* Providing comprehensive elective home education guidance for parents.
* Promoting the value of research prior to reaching a final decision, including speaking with other home educators.
* Offering mediation to parents who are considering home education because they do not feel empowered to address issues with their child’s school.
* Providing clear information about home education that sets out the legal position and roles\responsibilities of both the local authority and parents.
* Providing a leaflet for parents of enrolled children, who do not wish to discuss their decision with their child’s school, to address common misconceptions about EHE.
* Supporting discussions with parents who are unable to write a deregistration letter.
* Providing impartial advice to parents who are, or who are considering, EHE.
* Acknowledging that parents are not legally required give the local authority access to their home and offering to meet at mutually convenient locations in such cases.
* Providing parents with a report of visit.
* Ensuring that positives are always reflected in visit reports as well as suggestions to improve education provision, where appropriate.
* Ensuring that visits are pre-arranged unless we have experienced several failed visits without satisfactory explanation, or a visit is part of our children missing education procedures.
* Securing the agreement of parents to make referrals to other services, unless statutory guidance overrides this.
* Acknowledging that parents do not have to engage with the local authority.
* Making next steps clear in all our communications with EHE parents.
* Ensuring that we have an EHE Privacy Notice in place.
* Supporting families where there are barriers to their child returning to school in accordance with parental wishes.
* Sending written information to parents if we believe an opportunity exists that they may not be aware of because their child\ren are not enrolled in a mainstream school.
* Supporting statutory safeguarding processes as an education representative by attending meetings and providing reports.
* Sharing visit reports with allocated social workers.
* Providing reports to the SEND Panel as part of the statutory assessment process.
* Working with the Education Welfare Service when children were open to this service at the point of withdrawal from school.
* Mediating with other teams within the council to expedite enquiries on behalf of EHE families.
* Signposting families to other services that can offer specialist advice and support for example in relation to careers, employment or special educational needs.
* Prioritising cases where EHE Visitors engage with families.
* Utilising data sources available to us to housekeep our database to ensure compliance with data protection law. If contact information for parents is available, we will use this before making any onward referrals.
* Asking parents to notify us of their EHE intention as part of the annual Reception intake admission process.
* Making clear recommendations to parents about changes to improve education provision.
* Suggesting ways in which this could be achieved.
* Identifying pathways to improved outcomes.
* Attending groups and meetings as invited by home educators.
* Demonstrating the value of the EHE Visitor role to families.
* Responding to parental enquiries for information or advice.
* Seeking to understand the different approaches to home education.
* Maintaining a non-judgemental and open dialogue with families at all stages of our process.
* Building positive relationships with professional colleagues.
* Promoting the EHE visitor role with professional colleagues.
* Providing awareness training on elective home education.
* Attending team meetings to increase understanding of elective home education.
* Supporting visits to schools.
* Providing training for schools about off-rolling.
* Building good relationships and networks with colleagues in other local authorities.
* Having due regard to DfE guidance on home education.
* Being aware of national publications with an EHE focus.
* Proactively keeping up to date with issues affecting the EHE community.
* Recognising that an unsuitable or inadequate education can impair a child’s intellectual, emotional, social or behavioural development.
* Ensuring EHE Visitors have undergone safeguarding training.
* Ensuring that our contact with home educating families is proportionate.
* Considering information provided by parents in ‘Overview of Home Education’ documents as part of our ongoing communication with home educating families.
* Operating an annual contact schedule when the LA duty has been met.
* Carrying out informal enquiries and requesting information on education provision from parents who exercise their right not to meet with the local authority.
* Suggesting ways in which parents may wish to provide evidence of education provision.
* Contacting families in connection with our statutory duty, or, to make parents aware of services or agencies offering support to home educating families.
* Responding to changes in circumstance which may impact upon the provision of suitable education.
* Identifying and responding to cases where children are not being provided with a suitable education, taking intervention action, as necessary.
* Participating in Annual Reviews of Education, Health and Care plans, to work collaboratively with parents and colleagues.
 |
| POLICY STATEMENT  |
| The local authority recognises that parents choose to electively home educate for a variety of reasons. This policy seeks to build on 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, or no information is available. Our objectives are to:1. To improve our response to the local authority duty to be satisfied that electively home educated children are receiving an education that is suitable for their age, ability, aptitude and any special educational needs they may have, allowing them to reach their potential in a safe environment.
2. To improve engagement with parents prior to removal from roll, so that they are able to make informed decisions.
3. To reduce the risk of families being victims of ‘off-rolling’ practices.
4. To provide advice and support for families who are home educating.
5. To identify and respond to cases where children are not being provided with a suitable education and take intervention action, as necessary.
6. To improve awareness of home education amongst practitioners working with families.
7. To triangulate information available to identify where there may be safeguarding concerns, following established referral procedures, as necessary.

The procedures contained in our flow charts have been designed to support delivery of the above objectives and they can be found in the following appendices: 1. School procedure.
2. LA procedure – new cases.
3. LA procedure – existing cases.
4. LA procedure - School Attendance Orders.
5. LA procedure - Education Supervision Orders.
6. LA procedure - Child protection and child in need planning.
 |
| PUPILS WITH AN EDUCATION, HEALTH AND CARE PLAN |
| Education, Health and Care plans for home educated children can be written in one of two ways:* If the local authority agreed that elective home education was the most appropriate provision to meet the individual needs of the child, the education “type” would be recorded as *home education in agreement with the LA* and the “placement” section of the plan would state *home education*. In these circumstances the SEND Team would consider a request for a personal budget and if the local authority did fund education provision for the child, they would be recorded on the education database as educated other than at school instead of electively home educated.
* If the local authority did not agree that elective home education was the most appropriate provision to meet the individual needs of the child, the education placement section of the plan would name the “type” of provision as *mainstream or* *special* where the SEND Team believed could more effectively meet need. The “placement” section of the plan would state *the parent has elected to home educate.* In these circumstances parents are not ordinarily entitled to a personal budget and the child would be recorded on the education database as electively home educated. Requests for personal budgets will be considered on an individual case basis.

EHE Visitors will support the statutory assessment process by providing a report to the SEND Panel and will join Annual Reviews to develop our collaborative working with parents. EHE Visitors will support the statutory assessment process by providing a report to the SEND Panel and will join Annual Reviews to develop our collaborative working with parents. There will, therefore, be a focus on SEND in our visit report templates and how these needs are being met in a variety of ways by home education, to ensure that the child is fulfilling their potential. |
| SUPPORT FROM ELECTIVE HOME EDUCATION VISITORS |
| *If a child is not attending school full-time, the law does not assume that child is not being suitably educated, but it does require the local authority to enquire whether that education satisfies legal requirements and local authorities have these responsibilities for all children of compulsory school age.* *Elective home education. Departmental guidance for local authorities. April 2019*Elective Home Education Visitors may contact parents to offer an initial discussion regarding the education provision in place, offer advice and support, as well as signposting to resources and local groups. The aim of the discussion will be to initiate a positive and constructive relationship with parents. It is not possible for Elective Home Education Visitors to meet with all home educating families, but they are still accessible to all members of our home educating community at [home.education@southampton.gov.uk](http://home.education@southampton.gov.uk). Efforts have therefore been made to provide information on our website that will help to inform parents who are beginning of their home education journey, alongside creating processes that will ensure that known vulnerabilities are afforded the highest priority.In other cases we may carry out informal enquiries by asking parents to provide further information and available [evidence](#_Hlk48987233) that the education provision is suitable and efficient.Offering VisitsIn our initial acknowledgement letters parents may be advised that they can request a visit (or contact) from an Elective Home Education Visitor.In addition, as resources allow, priority will be given to the following circumstances and visits may be offered as part of our informal enquiries, if an ‘Overview of Home Education’ has not been completed (these documents assist the local authority in satisfying its duty to determine whether home education is suitable): |
| * In response to a parental request.
* When an EHE child is subject to child protection or child in need planning.
* At the request of Children’s Services colleagues if an EHE child is under assessment, as a precursor to possible child protection or child in need planning.
* When an EHE child is open to the Youth Offending Service.
* If an EHE child has a history of poor school attendance, or was persistently absent (PA) at the point of becoming EHE. PA is currently defined by the government as under 90% attendance.
* If, at the time of becoming EHE, the child had not reached government attainment\progress expectations in English, maths or science.
* When an EHE child was in receipt of specialist professional support at the point of becoming EHE e.g. SEND support, education welfare, early help, CAMHS.
* If an EHE child has been permanently excluded, or the subject of more than two fixed term exclusions over a rolling period of 2 terms.
* Where the local authority holds no information on the education provision in place for the child, having made informal enquiries.
* When concerns have been reported to us about the education provision in place, or regarding circumstances that may indicate that a suitable, full-time education provision is not in place.
* When children are in a transition phase of their education.

There will also be a focus on KS4 at the start of the autumn termUnannounced VisitsOur intention is to only carry out unannounced visits as part of our Children Missing Education procedures. Typically, this would generally be when we are tracking our Reception cohort each year but if it is possible to identify siblings at the same address from the education database, for whom education provision is known, a letter would first be sent to parents.Parental EngagementThe local authority acknowledges that parents are under no legal obligation to agree to an Elective Home Education Visitor calling at their home, to meeting in a neutral location, to allowing access to their child or to providing information on the education provision in place.The Department for Education, however, expects local authorities “*in all cases where it is not clear as to whether home education is suitable (including situations where there is no information* *available* *at all*)” to carry out informal contacts and enquiries. |
| Informal enquiries would always be our preferred way forward, but if parents do exercise their right not to accept a visit at a convenient location, which forms part of our approach to carry out informal enquiries into education provision, a request will then be made for further information and [evidence](#_Hlk48987233) to enable the local authority to discharge it’s duty to establish whether a child is being suitably educated.Failed visits without cancellation or reasonable explanation i.e. agreed visits that do not go ahead because parents are not present at the address, or, visits pre-arranged by Elective Home Education Visitors with at least 10 days’ notice that do not go ahead because parents are not present at the address, will also result in a request for further information and [evidence](#_Hlk48987233) to enable the local authority to discharge it’s duty to establish whether a child is being suitably educated.There may be other circumstances under which a refusal to engage in visits or meetings may necessitate a safeguarding referral being made, such as when a referral has been made to the local authority expressing concerns about the intellectual, emotional, social or behavioural development of the child. |
| EVIDENCE OF EFFICIENT, SUITABLE, FULL-TIME EDUCATION |
| * The DfE recognise that the local authority needs to be able to reach a legitimate conclusion that a suitable education is actually being provided so requests for detailed information about education provision should be made as part of an authority’s informal enquiries.
* The DfE state in relation to suitable education that *“even if there is no specific link with the National Curriculum or other external curricula, there should be an appropriate minimum standard which is aimed at”.*
* The European Convention on the Rights of the Child underlines the individual right to a specific education as follows:

‘*Education must include not only literacy and numeracy, but also life skills such as the ability to make well balanced decisions; to resolve conflicts in a non-violent manner and develop health lifestyles, good social relationships and responsibility, critical thinking, creative talents and other abilities which give children the tools needed to pursue their life options*.’* Local authorities are allowed to use minimum expectations for literacy and numeracy in assessing suitability, whilst bearing in mind the age, ability and aptitude of the child and any special educational needs, as well as their starting point at the commencement of home education. Our approach will therefore be to establish whether a child is broadly in line with national expectations. Where a child is significantly below, advice will be provided and, after a reasonable period of time has been allowed, education provision will be reviewed again.
* Elective Home Education Visitors will be asked to ensure that their reports distinguish between fact, observation, allegation and opinion and make clear when information has been provided from another source. They will also be encouraged to interact with the child or young person, where parents agree to this. These strategies will help to ensure that any assessment of the suitability of education provision is credible.
* When carrying out enquiries into education provision due regard will be given to the advice contained in the in the DfE guidance documents on [**gov.uk**](https://www.gov.uk/government/publications/elective-home-education) specifically relating to efficient, suitable and full-time.
* Examples of what we would be looking for as either evidence, or an understanding of, are listed below.
* The scope of the learning that takes place across a broad range of subjects or interests.
* How opportunities are created to work with others.
* How the particular talents of the child are met and developed.
* Any groups attended or activities the child may participate in.
* How the child is provided with opportunities to interact with others to minimise social isolation.
* How the child’s SEND needs are met.
* How physical well-being and healthy life choices are encouraged.
* How progression can be measured and evidenced.
* If parents are home educating more than one child, how individual needs are being met.
* Evidence of learning, particularly in relation to literacy and numeracy e.g. original or photocopies of work, photographs\recordings, art work, scrapbooks, musical and sporting achievements, records of online learning.
* The amount of time dedicated to learning and support provided.
* Whether any other education providers are part of the arrangements.
* A written overview or philosophy, an education plan or a diary.
* A report could include, for example, reasons why parents have chosen to home educate, the philosophy\approach to education, resources, details of focussed visits.

We are looking for information and\or evidence that would be sufficient to convince a reasonable person that the education provision is suitable for the child’s age, ability and aptitude and any special educational needs they may have.* As parents you are under no legal obligation to respond to requests for information from the local authority but “*If you do not do enough to satisfy the local authority about the education being provided at home it may have no option but to conclude that the education does not meet the s.7 requirement*.”

 *Elective home education. Departmental guidance for parents. April 2019** If, following enquiries, the local authority still believes that the education provision is not meeting the parental duty under s.7 of the Education Act 1996, a Notice will be issued under s437(1) of the Education Act 1996 requiring parents to satisfy the local authority that their child is receiving suitable education.
* In cases where a parent does not respond to the s437(1) Notice or having received a response the local authority remains unable to reach a decision as to the suitability of the education provision, wider enquiries will be made in order to support the decision making process.
 |
| CHANGES IN CIRCUMSTANCE |
| The following non-exhaustive list represents the circumstances under which the local authority may, at any time, contact parents to enquire about education provision. It is considered that the following circumstances may be an indicator that suitable full-time education is not in place, or, that arrangements may be compromised:* On notification from MASH that safeguarding referral has been made.
* On notification from MASH that a PPN1 has been received (this is a public protection notification that is generated by Police Officers who attend incidents).
* If the child becomes subject to child protection or child in need planning.
* Following a referral to Inclusion Services about the education provision in place.
* Following a referral to or the involvement of the MET (missing, exploited, trafficked) 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.
 |
| 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 local authorities 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. An unsuitable or inadequate education can impair a child’s intellectual, emotional, social or behavioural development and may therefore bring child protection duties into play. The 2019 DfE EHE guidance documents also clarify that a failure by parents to ensure that their child is in receipt of suitable education is capable of satisfying the threshold requirement contained in s.31 of the Children Act 1989 that the child is suffering or is likely to suffer significant harm. Therefore:* Single assessments, child protection and child in need plans will all reflect that home education is in place and explore whether the educational and development needs of the child are being met through the provision of efficient, full-time, suitable education.
* Electively home educated children subject to child protection or child in need planning will be referred to Elective Home Education Visitor to undertake a review of education provision.
* Elective Home Education Visitors will attend safeguarding training.
* Elective Home Education Visitors will attend, wherever possible, child protection and child in need planning meetings to ensure there is an appropriate focus on the provision of efficient, full-time, suitable education.
* All Elective Home Education Visitor reports on education provision for children open to Children’s Services will be shared with case holders, where this information is known.
* Contact will be made with families by Elective Home Education Visitors if we are made aware of a Hampshire Constabulary PPN1 report having been received for a home educated child.
* The SCC MASH (multi-agency safeguarding hub) will notify the Assistant Team Manager for Inclusion of any referrals for home educated children, of compulsory school age, and the MET (missing, exploited, trafficked) Team will notify the Assistant Team Manager for Inclusion of any young people they are working with, of compulsory school age.
* Where it is known that children who are home educated have moved into the city, contact will be made with the previous LA to establish whether any safeguarding concerns existed.
* Depending upon the facts of an individual case, the local authority will consider whether action is required under safeguarding or education law, taking account of the advice of our legal advisers and the recommendations contained in the DfE guidance for local authorities.
* We do not, ordinarily, believe that elective home education is appropriate for children looked after and children who are subject to child protection planning. Where appropriate, Elective Home Education Visitors will work with parents and professionals to seek a school place that can meet the child’s needs.

When could safeguarding powers be used by the LA?*Where necessary - because it is evident that a child is simply not receiving suitable education at home and the use of school attendance powers is not achieving a change in that situation - the local authority should be ready to use its safeguarding powers as explained in this guidance. The overriding objective in these cases is to ensure that the child’s development is protected from significant harm* *Elective home education. Departmental guidance for local authorities. April 2019*Further detailed information around procedures that LAs should follow can be found in the DfE guidance documents on [gov.uk](https://www.gov.uk/government/publications/elective-home-education) but parents should note that circumstances may include:* When unsuitable or inadequate education may impair a child’s intellectual, emotional, social or behavioural development.
* Where a parent has been prosecuted for failing to comply with a School Attendance Order and this fails to result in the child being enrolled at a school, whilst still deemed to be without suitable education provision.
* When children are vulnerable to contextual safeguarding factors e.g. vulnerable to child sexual exploitation, regularly going missing from home, involvement in criminal activity.
 |
| DATA SHARING |
| The LA is able to produce a list of all children known to be home educated, resident within the Southampton City Council boundary, from the education database.Our school notification process provides information to enable us to prioritise Elective Home Education Visitor resource. This is also the means by which we can gather information, working towards the expectation of Ofsted that we monitor the welfare of electively home educated children. Our Privacy Notice can be found on the Southampton City Council website at <http://www.southampton.gov.uk/schools-learning/support-education/elective-home-education/> |
| GOVERNANCE |
| This policy will be implemented by: the Southampton City Council Inclusion Services Team, schools, Children’s Services colleagues and parents.It will be monitored by the Inclusion Services Team and updated on an annual basis at the end of the summer term. |

**APPENDIX 1 - SCHOOL PROCEDURE**

Parent(s) notifies the school of intention to home educate, verbally or in writing.

 Parent encouraged to complete a voluntary [Overview of Home Education](http://www.youngsouthampton.org/working-with-children/schools-guidance/inclusion-services.aspx). [The Information leaflet](https://www.youngsouthampton.org/working-with-children/schools-guidance/inclusion-services.aspx) for parents of children enrolled in school may also be issued.

Parent(s) invited to attend a discussion to explore any concerns and their understanding of elective home education. For pupils with an EHCP see further information in our [EHE guidance for schools](https://www.youngsouthampton.org/working-with-children/schools-guidance/inclusion-services.aspx).

* Work through the issues covered in the information leaflet for parents, as well as any others.
* EHE Visitors and the Social Worker must be invited to the discussion if the pupil is subject to CP or CIN Planning using [Home.education@southampton.gov.uk](http://Home.education@southampton.gov.uk)
* The SENCo should be present if the pupil has SEND.
* If the parent is unable to write a deregistration letter an EHE Visitor should be invited using [Home.education@southampton.gov.uk](http://Home.education@southampton.gov.uk)
* Education Welfare Officers should be invited if the pupil has been referred to the Education Welfare Service in order to secure regular school attendance
* If open to YOS, the YOS Officer should be invited as should Early Help practitioners working with the family.

**Pupil remains on roll**

**Discussion** held, parent(s) wish to proceed with EHE.

Discussion held, issues resolved.

**NFA – pupil remains on roll**

**Discussion** declined by parent(s).

Appropriate parental **deregistration** **letter** has been submitted.

Parent has not submitted a deregistration letter. Usual absence procedures to be followed.

**Pupil remains on roll**

Appropriate parental **deregistration letter** has been submitted.

**Please notify the Social Worker immediately if a child is subject to CP or CIN Planning.**

Attempt to **telephone** parent to explore any concerns and their understanding of EHE.

**Pupil removed from roll** as long as they do not have an EHCP and are enrolled in a special school (see [EHE Guidance for Schools](https://www.youngsouthampton.org/working-with-children/schools-guidance/inclusion-services.aspx))**.** School actions to be taken:

* Copies of parental deregistration letter, completed [EHE Notification](https://www.youngsouthampton.org/working-with-children/schools-guidance/inclusion-services.aspx) and [Overview](https://www.youngsouthampton.org/working-with-children/schools-guidance/inclusion-services.aspx) of Home Education to be sent to Inclusion Services using the Anycomms CME option.
* Upload CTF to 7 m’s.
* Acknowledgement letter sent to parents enclosing EHE information leaflet for parents if it has not already been issued.
* Notify professionals and\or agencies involved with the family and the EWS.

**APPENDIX 2 - LA PROCEDURE – NEW EHE CHILDREN**

* School notifies Inclusion Services of a parental intention to home educate by supplying appropriate parental deregistration letter, completed Notification Form & Overview of Home Education (if provided by parents). LA records child as electively home educated on the education database, or,
* LA notified or becomes aware of an EHE child not previously known to us. Child added to the education database and contact made with previous LA (where appropriate) to establish if there were any known concerns.

Letter sent to parents acknowledging receipt their deregistration letter (where applicable), signposting to LA website and offering a home visit or meeting in a neutral location to make informal enquiries about education provision and offer advice based on the Overview of Home Education (if applicable).

Visit or meeting declined by parents

No information provided, or, information that is provided is insufficient to satisfy the LA that education is suitable. Report of visit issued outlining areas of concern and actions to be taken to improve provision with a specified timeframe.

Parents requested to provide information about education provision within a specified timeframe

Visit, or meeting, with EHE Visitor takes place.

**No information provided, or information provided is insufficient to satisfy the LA that home education is suitable for the individual child, s7 EA 1996. Legal Services consulted regarding next steps; issue of a School Attendance Order or applying for an Education Supervision Order.**

Parent contacted to remind them of the deadline and offer support, if required.

LA is satisfied that home education is efficient, full-time & suitable for the individual child. S7 EA1996

Second visit takes place to review progress.

Information provided

No information provided, or, information provided insufficient to satisfy the LA that education is suitable for the individual child. S7 EA1996

LA records child as electively home educated on the LA database (applies to cases not previously known to us)

S437(1) Notice issued which requires parents to satisfy the LA, within the period specified in the notice, that the child is receiving a suitable education.

Suitable information provided

**Annual contact will be made in the future unless the LA becomes aware of a change in circumstances.**

Parent contacted to remind them of the deadline and offer support, if required.

**Reports for children open to Children’s Services will be shared with case holders.**

**APPENDIX 3 - LA PROCEDURE – EXISTING EHE CHILDREN**

As resources allow, parents of home educated children, for whom the LA holds no information to enable us to reach a conclusion about whether education provision is suitable (s7 EA1996), will be sent a letter offering a home visit, or a meeting in a neutral location. Priority will be given to the circumstances listed in this policy when allocating EHE Visitor resource.

Parent declines a home visit or meeting.

No information provided, or, information that is provided is insufficient to satisfy the LA that education is suitable. Report of visit issued, outlining areas of concern and actions to be taken to improve provision within a specified timeframe.

Visit or meeting takes place. Report of visit is produced recording evidence of full-time suitable education and sent to the parent.

Parents asked to provide information about education provision within a specified timeframe.

Parent contacted to remind them of the deadline and offer support, if required.

Information provided, LA is satisfied that home education is suitable for the individual child, s7 EA1996.

Information provided

Second visit takes place to review progress.

No information provided, or information provided is insufficient to satisfy the LA that home education is suitable for the individual child, s7 EA 1996.

**Annual contact will be made in the future unless the LA becomes aware of a change in circumstances.**

S437(1) Notice issued which requires parents to satisfy the LA, within the period specified in the notice, that the child is receiving a suitable education.

**No information provided, or information provided is insufficient to satisfy the LA that home education is suitable for the individual child, s7 EA 1996. Legal Services consulted regarding next steps; issue of a School Attendance Order or applying for an Education Supervision Order.**

Information

provided

**Reports for children open to Children’s Services will be shared with case holders.**

Parent contacted to remind them of the deadline and offer support, if required.

**APPENDIX 4 - LA PROCEDURE – SCHOOL ATTENDANCE ORDERS**



**APPENDIX 5 - LA PROCEDURE – EDUCATION SUPERVISION ORDERS**



**APPENDIX 6 – CHILD PROTECTION AND CHILD IN NEED PLANNING**

* **MASH will notify the ATM for Inclusion of all referrals for home educated children.**
* **Assessment Teams will notify ATM for Inclusion of single assessment outcomes.**
* **The MET (Missing, Exploited, Trafficked) Team will notify the ATM for Inclusion of all home educated children they are working with.**

|  |  |  |
| --- | --- | --- |
| **CP\SECTION 47 PLANNING** |  | **CIN\SECTION 17 PLANNING** |
| Social Worker Invites Inclusion Services to the ICPC or RCPC. An EHE Visitor will be identified.ICPC or RCPC takes place. CYP is made the subject of a Child Protection Plan.EHE Visitor support will continue where appropriate, or a report will be provided to the Social Worker on whether education provision is considered to be full-time and suitable to meet the individual CYP needs.Contextual safeguarding issues must be addressed, including home education, so the plan should ensure that home education is monitored or assessed in some way. |  | Following a single assessment (SA), which should give consideration to the educational & developmental needs of the CYP, CIN Planning meeting held.Social Worker to invite Inclusion Services to the CIN planning meeting. An EHE Visitor will be identified.Single assessment should acknowledge that EHE is in place, which should be explored further in the CIN Plan to ensure that the educational & developmental needs of the individual CYP are being met.EHE Visitor support will continue where appropriate, or a report will be provided to the Social Worker on whether education provision is considered to be full-time and suitable to meet the individual CYP needs. |