

Elective Home Education Strategy

2020-25



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Introduction

Gateshead Council is ambitious for the people of Gateshead and is committed to make Gateshead a place where everybody thrives. The following document sets out how Gateshead Council will help young people who are home educated thrive.

Article 28 of the United Nations Convention on the Rights of the Child (UNCRC) recognises the right of the child to an education. In England, education is compulsory, and it can be provided at school “or otherwise” (as set out in the 1996 Education Act, section 7). The responsibility for the provision of a child’s education rests with their parents. In England education is compulsory but going to school is not.

This document outlines the policy for parents who have opted to fulfil their S7 duty via home education.

Parents have a right to educate their children at home (Section 7 of the Education Act 1996). Elective Home Education (EHE) is the term used to describe parents’ decision to provide education for their children at home, instead of sending them to school. Parents who choose to home educate their children are required to provide an efficient, full time education, suitable to the age, ability and aptitude of the child. The local authority respects parents’ right to home educate and acknowledge elective home education can be an appropriate way to educate a child.

The following strategy has been written to provide parents, schools/academies and other services with an overview of the procedures that parents, schools/academies and the local authority must adhere to, in relation to home education. In Education Law, parents should be taken to include all natural parents, whether they are married or not and any person who, although not a natural parent, has responsibility for the care of a child or young person. This means a person with whom the child lives and who looks after the child is considered the parent, irrespective of what their relationship is with the child.



What is Elective Home Education?

Elective home education is a term used to describe a choice by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time. This is different to education provided by a local authority otherwise than at a school - for example, tuition for children who are too ill to attend school.

Educating a child (or children) full-time at home is a rewarding but challenging task. Parents may choose to engage private tutors or other adults to assist in providing a suitable education, but there is no requirement to do so.

Parents who choose to educate a child in this way take on financial responsibility for the cost of doing so, including the cost of any educational resources and external assistance used, such as tutors, sporting activities or part-time alternative provision. Examination costs are also the responsibility of parents.

The local authority recognises that there are a range of styles that a parent may choose, to educate their child at home, including but not exclusively, school at home, autonomous learning, child centred approaches and experiential learning. Parents may choose a combination of approaches or follow a particular philosophy such as the Charlotte Mason or Steiner approach.

Reasons for Elective Home Education

There are many reasons why parents do choose to educate children at home, including those set out below:

- Ideological or philosophical views
- Religious or cultural beliefs
- Dissatisfaction with the school system
- Bullying of the child at school
- Health reasons, particularly mental health of the child
- As a short-term intervention for a particular reason
- A child's unwillingness or inability to go to school, including school phobia
- Special educational needs, or a perceived lack of suitable provision in the school system for those needs

Elective home education departmental guidance for local authorities (April 2019) recognises that the various reasons for undertaking home education are not mutually exclusive. For some children, several of these factors might apply. When the local authority engages with home-educating families they will take into account the context of individual situations and recognise that the decision may have been a positive choice, which is expected to lead to a better outcome, or may however be attempted as a last resort. The local authority understands that parents, at times, may feel schools can't provide a suitable education for their child. The local authority recognises that some families may require more support and guidance than others.

Gateshead Council's Guiding Principles

Gateshead Council recognises that Elective Home Education (EHE) is a parental right, which requires significant commitment. We aim to develop positive and supportive relationships with parents, working together, to ensure every young person who is EHE in Gateshead, reach their full potential. We seek to ensure that young people who are home educated receive the same access to services, as those who attend school, and will work with other agencies to ensure this right is upheld.

Most parents in Gateshead ensure their children are receiving a suitable education; when there are concerns that a young person is not receiving a suitable education, the local authority will provide support and guidance. If the education continues to be unsuitable, the local authority will look to take measures to ensure a suitable education is provided.

This document sets out the local authority's Home Education strategy with respect to:

- The legal position in regard to EHE
- Safeguarding
- The rights and responsibilities of parents
- The role and responsibility of the local authority
- The responsibility of schools and academies
- Children with Special Educational Needs
- Traveller children
- Working together procedures
- Review procedures and practices
- Complaints procedures

The Strategy is written with reference to:

- Elective home education departmental guidance for local authorities April 2019
- Elective home education departmental guidance for parents April 2019
- Gateshead Thrive Agenda
- Education Act 1996
- Children Act 2004
- Working Together to Safeguard Children July 2018
- Special Educational Needs code of Practice
- Keep Children Safe in Education 2019
- Gateshead local authority guidance for parents
- An evidence based review of the risks to children and young people who are educated at home. October 2017

Legislation and Guidance

Parents have a right to educate their children at home. Section 7 of the Education Act 1996 provides that:

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

(a) to his/her age, ability and aptitude, and

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

Otherwise can include home education but also other alternative provisions.

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”

A parent cannot remove their child from a school roll if:

- The child is subject to a School Attendance Order which has not been revoked
- The child is the subject of a supervision order
- The child is attending a special school (see later section)

Gateshead Council recognises that the vast majority of parents will provide a suitable education for their children. The local authority however has a duty under section 436A of the Education Act 1996, to make arrangements to enable them to establish the identities, of children residing in Gateshead of compulsory school age, who are not on a school roll and are not receiving a suitable education. *Elective home education departmental guidance for local authorities (April 2019)* notes “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 duty.”

However, this should not be taken as implying that it is the responsibility of parents under s.436A to prove that the education at home is suitable. A proportionate approach needs to be taken.”

The guidance continues to state that “Depending on the results of those enquiries, the law may require further action by the local authority.”

Section 437 of the Education Act 1996 states that,

“if it appears that a child of compulsory school age is not receiving suitable education, the local authority shall serve a notice, in writing, on the parent, requiring them to satisfy the local authority that the child is receiving such education”.

and that

“if a parent fails to satisfy the local authority, that the child is receiving suitable education, and in the opinion of the authority it is expedient that the child should attend school, the local authority shall serve a School Attendance Order”.

Gateshead Council would see this approach as a last resort and would aim to support parents who are home educating, to provide a suitable education.

Safeguarding

The local authority recognises that home educated children are at no greater risk in regard to safeguarding than other children and the *Elective home education departmental guidance for local authorities (April 2019)* states that “there is no proven correlation between home education and safeguarding risk,” however local authorities have a general duty to make arrangements to “safeguard and promote the welfare of children (section 175 of the Education Act 2002) in relation to their education functions as a local authority”.

This applies equally to children who are being educated at home, as it does to children attending school.

This duty does not entitle a local authority to insist on visiting a child’s home, or seeing the child, simply for the purposes of monitoring the provision of home education.

To ensure this duty is fulfilled, *Elective home education departmental guidance for local authorities (April 2019)* highlights that:

“under s.10 of the Children Act 2004, local authorities should have arrangements in place to promote co-operation between the authority and its partners who deal with children, and under section 11, arrangements should be in place to ensure that functions are discharged with regard to the need to safeguard and promote the welfare of children. These arrangements should include information sharing protocols and it is possible for these to allow sharing of data on children who appear to be home educated and about whom there is a concern as to the suitability of that education.”

Although as previously stated, Gateshead Council recognises that safeguarding concerns are no higher in the home education community than those young people who attend school, it recognises that if a child is receiving an unsuitable or inadequate education this can impair a child’s intellectual, emotional, social or behavioural development, and may therefore bring child protection

duties into play. A failure to provide a suitable education is capable of satisfying the threshold requirement contained in S.31 of the Children Act 1989 that a child is suffering or likely to suffer significant harm.

Children’s Commissioner, Anne Longfield in her report *Skipping School: Invisible Children* (Feb 2019) notes that

“some children have very positive experiences of home education, where parents are educating them at home for the right reasons, are well prepared and have the right support. In other cases, children have described feeling lonely, isolated and depressed, left at home for long periods of unstructured days.”

Gateshead has arrangements to ensure, where concerns are raised, information will be shared. As part of this process, a multi-agency group will meet when concerns are identified.

See appendix 1

Although an unsuitable education could be considered under safeguarding procedures, as noted above, any concerns regarding child protection will be immediately referred to the local authority using established protocols.

Some children who are being educated at home could be in a position where they are at risk of harm. The National Independent Safeguarding Board commissioned report: *An evidence based review of the risks to children and young people who are educated at home* (October 2017) identified that

“where children are maltreated, it can be more difficult for this to be identified if a parent wishes to limit access to a child, and home education can and did contribute to that. Parents who are abusing or neglecting their children can, do and have used home education as one of the ways of limiting professional contact and therefore protection.”

Child abuse can include physical injury, neglect, including emotional neglect, continued ill treatment and sexual abuse.

On being made aware of a pupil who is to be educated at home, a number of checks will be carried out by the EHE Team; this may involve contact with the previous school(s), Children's Social Care, Health and any other relevant agencies to clarify if there are any concerns about the arrangement to home educate. The information received will inform further actions and potential support if needed. If the child is subject to a Child Protection Plan or Child in Need, the EHE Team will make immediate contact with Children's Services and work with Children's Services to ensure concerns are addressed.

The rights and responsibilities of parents

Before deciding to home educate parents should consider the questions below and also consider the information in this policy.

- Why are you thinking of educating your child at home? Can issues be resolved?
- What does your child think about the idea?
- Do you have the time, finances, resources and ability to teach your child properly?
- Is your home suitable for undertaking teaching and learning, in terms of noise, space and general environment?
- What support do you as parents have from others? What would happen if you were unable, perhaps through illness, to provide teaching for your child for a period of time?
- Can you provide social experiences, access to cultural and aesthetic experiences and physical exercise, to help your child develop?
- Do you envisage educating your child at home for the whole of their time of compulsory school age, or only temporarily? What are your long term intentions for the education of your child?

As outlined, parents have a legal right to home educate their child. The key definition of such an education as set out in s7 of the Education Act 1996 is that it must be “efficient”, “full time”, “suitable to the age, ability and aptitude of the child”, and “suitable to any special educational needs”. This definition gives parents considerable freedom in determining the scope of education provided and is not prescribed by the 1996 Education Act.

Efficient

An efficient education is one which achieves what it sets out to achieve.

Full Time Education

There is no legal definition of “full-time” in terms of education at home, or at school. Children attending school normally have approximately five hours tuition a day for 190 days a year, spread over about 38 weeks. However, home education does not have to mirror this. Often elective home educated children have almost continuous one-to-one contact and education may sometimes take place outside normal “school hours”. Home-educating parents are not required to have a timetable, set hours during which education will take place, observe school hours, days or terms, but they may wish to do so.

Elective home education departmental guidance for local authorities (April 2019) notes “that local authorities should be enabled by parents to assess the overall time devoted to home education of a child on the basis of the number of hours per week, and weeks per year, so that this information can be set alongside that relating to suitability. Education which is not occupying a significant proportion of a child’s life (making due allowance for holiday periods) will probably not meet the s.7 requirement”.

A child becomes of compulsory school age from the first of the following dates (31 August, 31 December or 31 March) which occurs after the child is five years old. The child remains in compulsory education until the last Friday of June in the academic year in which the child becomes sixteen. Young people are now required by law to engage in education, employment or training until their 18th birthday.

Suitable education

Elective home education departmental guidance for local authorities (April 2019) notes a suitable education should be age-appropriate, enable the child to make progress according to his or her particular level of ability, and should take account of any specific aptitudes (for example if a child is very good at mathematics, it might focus more on that than some other subjects). More generally, it should adhere to the points below.

- Although there is no requirement to follow a prescribed curriculum, there should be an appropriate minimum standard which should allow the child to grow-up to be an independent person - and furthermore, live beyond the community in which he or she was brought up, if that is the choice made in later life by the child;
- To be 'suitable', education at home should not directly conflict with the Fundamental British Values.
- Literacy and numeracy are an essential part of the education.
- Education may not be 'suitable' even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which make it very difficult to work, for example in noisy or cramped premises.
- Education may also not be deemed suitable if it leads to excessive isolation from the child's peers, and thus impedes social development.
- When parents engage a tutor or another person to support their child's education, they are responsible for ensuring that the person is appropriately qualified and suitable, including Disclosure and Barring Service (DBS) checks.

There are no legal requirements for parents educating a child at home to do any of the following:

- acquire specific qualifications for the task
- have premises equipped to any particular standard
- aim for the child to acquire any specific qualifications

- teach the National Curriculum
- provide a 'broad and balanced' curriculum
- make detailed lesson plans in advance
- give formal lessons
- mark work done by the child
- formally assess progress, or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards

However, many home-educating families do many of these. Furthermore, it is likely to be much easier to show that the education provided is suitable, if there is breadth of the learning and content and the concepts of progression and assessment are incorporated into the child's learning.

Process

If a child has never been enrolled at a school, there is no legal obligation to inform the local authority that they are being home educated, however, it is strongly recommended that the local authority is notified of the fact, in order to facilitate access to advice and support available. The local authority may receive information from other agencies that indicates that a child is being EHE; the EHE team would then follow normal processes.

If a child is enrolled at school, it may be useful to discuss the intention to home educate with school before removing the child from roll. It may also be helpful to talk to the EHE team at Gateshead Council. A plan should be in place and resources available, before the child is removed from the school roll. If the decision is made to home educate, the parent must write a letter to the Head Teacher, directing that the child be removed from roll, on the date requested, in order to home educate, as stated in S8 (1) (d) of the Education Regulations 2006.

If a child is removed without informing the school about intentions to home educate, parents may be prosecuted for non-attendance or the child may be considered a child missing from education.

If a child has an EHCP refer to section on Children with Special Educational Needs.

A school should never put a parent under pressure to remove a child from school to be home educated.

When the local authority is notified of an intention to home educate the local authority will make contact with parents. The local authority aims to work constructively with parents to ensure the best outcomes for children in Gateshead. The EHE team will offer a home visit to provide support and guidance. A home visit is not necessary, but the local authority will request information on the plan of how a suitable education will be provided. This should be provided in a timely manner. Once the local authority has established that an appropriate education is being provided, contact will be made on a yearly basis.

If parents do not provide sufficient information the local authority will take further action to confirm that parents are fulfilling their responsibility, to ensure their children are receiving a suitable education.

The local authority's role and responsibilities are set out in the next section.

Local Authority Roles and Responsibilities

Although the local authority does not have a statutory duty to monitor the quality of home education it does have a duty under section 436A of the Education Act 1996, to identify children who are not receiving a suitable education. *Elective home education departmental guidance for local authorities (April 2019)* notes “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 duty.”

The local authority has a responsibility to enquire about what education is being provided and a duty to intervene only where it is warranted. Parents have a duty to provide a suitable education.

In order to fulfil this duty, the local authority will adopt a multi-agency approach to ensure that all services working with children are aware of the local authority's duty and that consideration is given to safeguarding and promoting the child's welfare in those circumstances that might warrant it. The local authority does maintain an up to date record of all those children who are known to be home educated.

Process

The EHE team will make contact with parents as soon as they are notified that a family is intending to home educate. The EHE team will offer a home visit to provide support and guidance and offer an opportunity to discuss provision. A home visit is not necessary, but the local authority will request information on how a parent intends to provide a suitable education for their child. This may include the education philosophy, learning aims and objectives, teaching methods, strategies for physical and social development and long-term plans.

Parents may provide this evidence in a format of their choosing.

Elective home education departmental guidance for local authorities (April 2019) notes

“parents are under no duty to respond to such enquiries, but if a parent does not respond, or responds without providing any information about the child's education, then it will normally be justifiable for the authority to conclude that the child does not appear to be receiving suitable education.”

Following initial contact with parents, further contact will be offered in 6-10 weeks. Parents will be asked to advise the local authority about their educational provision and outcomes. This can be a format of the parents' choice and can be provided via a home visit or through providing a report and evidence of learning undertaken. This may include a record of work undertaken, samples of work, work books, pictures, photographs, a diary, project work, powerpoints, assessments, list of resources used, evidence of educational visits, etc.

DFE guidelines 2019 highlight characteristics of a suitable provision:

- it is expected that parents or significant carers would play a substantial role, although not necessarily constantly or actively involved in providing education
- recognition of the child's needs, attitudes and aspirations
- opportunities for the child to be stimulated by their learning experiences
- access to resources/materials required to provide home education for the child – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT
- opportunity for appropriate interaction.

Appendix 2 is a summary of areas that will be considered in establishing whether an education is suitable.

When the local authority is confident that section 7 of the Education Act (1996) is being fulfilled, contact with parents will be made on a yearly basis, the manner of which will be agreed with parents. The local authority will continue to ensure that their duties under section 436A of Education Act (1996) are fulfilled and ensure that an appropriate education continues to be provided for all children within Gateshead.

The local authority recognises that most parents in Gateshead satisfy the requirements of section 7 of the Education Act and work cooperatively with the EHE team.

The local authority will aim to support families who home educate by:

- providing information on resources and activities that families can access
- provide a point of contact if parents would like to discuss home education
- assist in providing information where exams can be undertaken
- signposting parents to services and organisation that can support their specific needs
- providing access to a Careers Information Advice and Guidance link
- working with the home education community to improve the quality of education for all home educated young people

When provision is not suitable

Where it is not clear as to whether home education is suitable (including situations where there is no information available at all), the local authority will initially attempt to resolve those doubts through informal contact and enquiries. *Elective home education departmental guidance for local authorities (April 2019)* notes the most obvious course of action is to ask parents for detailed information about the education they are providing.

The EHE team aims to support parents who may be finding it difficult to provide a suitable education. The team will meet with parents to

highlight concerns and make recommendation and offer advice and guidance to support parents to deliver a suitable and efficient education.

If parents are unable to provide a suitable education the local authority will support parents in getting a school place for their children via the Fair Access Process.

If informal contact does not resolve the position, a referral to the Legal Intervention Team will be made.

The 1996 Act provides a framework for formal action to ensure that a child does receive suitable education. Under s.437(1) of the Education Act 1996, local authorities will act if it appears that parents are not providing a suitable education. This section states that: "If it appears to a local authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education." Section 437(2) of the Act provides that the period specified for a response shall not be less than 15 working days beginning with the day on which the notice is served.

The local authority will gather information from other agencies in regard to the child's circumstances to establish whether there are wider safeguarding concerns.

The local authority will consider any response made by a parent to the s.437(1) notice, in the light of s.437(3). Section 437(3) refers to the serving of school attendance orders:

"If –

- (a) parent on whom a notice has been served under subsection (1) fails to satisfy the local authority, within the period specified in the notice, that the child is receiving suitable education, and
- (b) in the opinion of the authority it is expedient that the child should attend school,

the authority shall serve a School Attendance Order, requiring him to cause the child to become a registered pupil at a school named in the order."

Parents can be prosecuted for not complying with the School Attendance Order.

At any stage following the issue of the order, parents may present evidence to the local authority that they have now made satisfactory arrangements for the child's education and apply to have the order revoked. This evidence will be considered, and the order will be revoked, unless the authority believes that the parents have not made satisfactory arrangements.

An Education Supervision Order may be sought in exceptional circumstances.

School and Academy responsibilities regarding Elective Home Education

If a child is registered at a school and the parent approaches the school to discuss the possibility of home educating their child, the school should respond to the parent positively and constructively. Good practice would suggest that the school should try to resolve any issues that the parent might have with the school which has led to the decision to home educate.

The DfE guidelines make it clear that:

“Schools must 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 statutory guidance. If the pupil has a poor attendance record, the school and local authority must address the issues behind the absenteeism and use the other remedies available to them.”

In order to provide as much support as possible to parents, the school should encourage the parent to discuss the situation with the EHE team before deregistration of their child takes place. Parents are however, under no legal obligation to do so.

When a school receives formal, written notice from a parent that a child is being withdrawn from school in order to be home educated and the child has ceased to attend the school the Headteacher should ensure that the pupil's name is removed promptly from the admissions register in accordance with Section 8(1) (d) of the Education (Pupil Registration) (England) Regulations 2006.

Regulation 12 (3) 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”.

In practice the school must:

- Inform the EHE team as soon as a child has been withdrawn from school and parents have indicated in writing that they intend to home educate.
- Forward a copy of the letter from the parent and written confirmation of the date when the pupil's name is to be removed from the register to the local authority.
- Add the child's details to the local authority migration form.
- Place the CTF on the S2S website with the code MMMMMMMM.
- Complete the request for information from the Education Support Service that should be returned in a timely manner, to ensure the child receives appropriate support.

If a child has been subject to a School Attendance Order Regulation 8 (1) (a) of the Education (Pupil Registration)(England) Regulations 2006 states that pupils under a SAO can only be removed from the register if the Order is revoked by the local authority, therefore pupils should not be removed from the school roll while they remain subject to a SAO.

Information below highlights when a School Attendance Order may be issued.

School Attendance Orders: Education Act 1996 (Sections 437- 443)

If it appears to the local authority that a child of compulsory school age is not receiving a suitable education, either by attendance at school or otherwise, then under S437 of the Education Act 1996 the local authority must begin procedures for issuing a School Attendance Order (SAO).

The process of issuing a SAO is tightly prescribed, and the Order requires the parent to arrange for the child to be registered at the school specified on the Order.

Once registered, the child shall remain on that school roll until such time as the SAO is revoked by the local authority, or the child reaches their statutory school leaving date.

Children with Special Education Needs

The parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has a statement of special educational needs or an Education, Health and Care plan (EHC plan), or neither. It can, of course, be the case that a local authority has no knowledge of a child's special educational needs, if the family has not sought assessment or support. However, the local authority has a duty under s.22 of the Children and Families Act 2014 to try to identify all children in Gateshead who have SEN. This includes home-educated children.

If a child with an EHCP is educated in a mainstream school then parents can deregister their child, as any other parents would. (see section on parents' rights and responsibilities)

If the school already attended by a child is a special school and the child is attending it under arrangements made by the local authority, the local authority's consent is necessary for the child's name to be removed from the admission register in accordance of Regulation 8(2) of the Education (Pupil Registration) (England) Regulations 2006. If the child is to be withdrawn to be educated at home, then the local authority, in deciding whether to give consent, will consider whether the home education to be provided will meet the special educational needs of the child. That consideration should take into account, the additional difficulties of providing education at home, to a child whose special educational needs are significant enough to warrant a place at a special school. The local authority will give consent if it feels the child's education needs can be met.

Local authorities will have regard to the statutory guidance in the Special Educational Needs Code of Practice when carrying out SEN functions. The Code emphasises the importance of local authorities and other providers working in partnership with parents. They must fulfil their statutory duties towards children and young people with SEN or disabilities in the

light of the guidance set out in it. The SEN team and EHE team will work with parents to ensure that when a child with special educational needs is being educated at home, the education is suitable and remains so; and that their assessment of this is properly linked with the process of keeping special needs provision under review.

If the home education is suitable, the local authority has no duty to arrange any special educational provision for the child; the plan should simply set out the type of special educational provision that the authority thinks the child requires but it should state in a suitable place that parents have made their own arrangements under s.7 of the Education Act 1996. Even if the parent is making suitable arrangements by the provision of home education, the local authority will conduct an annual review of the EHC plan, and that should provide an opportunity for parents to seek additional support or discuss alternatives to home education.

The local authority will continue to check the suitability of the home education as set out in previous sections and as required by sections 436A and 437 of the 1996 Act, and if at any point it considers that the home education is no longer suitable, it must ensure that the special educational provision specified in the EHC plan is made available.

Parents who are home educating do have a right to request an EHCP. Information about the right to request an EHC needs assessment and the right to appeal will be available to all parents. The local authority must consider the request within the same statutory timescales and in the same way as for all other requests. The EHE team will direct parents of home educated children with SEN or queries about the assessment process to Gateshead SENDIAS (Special Educational Needs Information and Advice Service) for appropriate advice and guidance.

Traveller Children and Elective Home Education

Gateshead local authority is sensitive to the distinct culture, ethos and needs of Gypsy, Roma and Traveller communities. Traveller parents have exactly the same right to educate their children at home as other families and will be treated in exactly the same way as any other families.

The local authority will take a broad and holistic view of the education being provided with reference to their communities' culture and lifestyle, when considering the suitability of the education.

As some traveller families are highly mobile, the EHE team will work closely with the Gateshead Ethnic Minority and Traveller Achievement Service (EMTAS) to ensure that accurate information about the educational arrangements of traveller children of school age is exchanged and that the children's welfare is being safeguarded.

In some instances traveller pupils may be dual registered with a school in another part of the country.

If a local authority officer becomes aware of a traveller family who is home educating, a referral should be made to the EHE team who will ensure that the information is passed to the Ethnic Minority Team (EMTAS).

In practice, the EHE team will liaise with EMTAS who will make the initial visit to the family, ensuring that the family's wishes to home educate is communicated effectively to the EHE team. This will ensure that traveller families have full access to advice and guidance on establishing suitable educational provision for their children.

Subsequent visits to home educating traveller families will be conducted jointly by a member of the EHE team and an Officer from EMTAS. Although EMTAS are unable to provide any direct teaching for home educated traveller children, they may be able to offer access to

educational initiatives which will enhance the education the child is receiving at home.

The duty of the local authority to act if children are not receiving a suitable education applies equally to traveller children residing with their families on temporary or unauthorised sites and to settled travellers.

Although travelling children of school age have the same legal right to education as anyone else, it can be difficult to claim or seek these rights without a permanent or legal place to stop.

Gateshead local authority therefore seeks to positively assist traveller families (in the same way as other families) who do not appear to be providing a suitable education for their children, before taking action.

In accordance with DfE guidelines, if it appears that a traveller family is not providing a suitable education for their children (after all reasonable attempts to engage the child has failed), the local authority will consider whether it would be appropriate to follow School Attendance Order proceedings. This would only be undertaken in exceptional circumstances and applies equally to traveller and non-traveller families.

Services to support home educated families in Gateshead

Local Authority

Education

Please refer to Gateshead's Home Education - Guidance notes for parents, for information about services and resources that may support in providing an efficient education.

Early Help

Early Help Service is made of up staff who specialise in supporting children, young people and their parents and carers. They can give practical help, advice and advocacy to Gateshead families who need extra support with:

- Family relationships
- Children's behaviour
- Home conditions
- Parenting and introducing routines/ boundaries
- Health and wellbeing
- Household budgets
- Leisure and learning
- Help from other professionals

Most families are referred by professionals who are already working with a child or parent – such as a school or health visitor – and support needs have been identified using the CAF process

What is CAF?

CAF stands for Common Assessment Framework. The CAF is a way of working out what is going well for a family, what extra support a family may need and how best to provide this support. They will work to develop an agreed support plan to deliver a joined-up approach to helping families. Early Help workers will suggest a team of people who

could provide advice and support. The plan is reviewed every 6-8 weeks in a Team Around the Family or TAF meeting at a place which is most convenient to you.

They work with families where they feel comfortable and safe – in their homes, schools or community settings. They are committed to working with the whole family to provide a tailored package of support which leads to lasting change.

Contact Us

Early Help Service
Civic Centre
Gateshead
Tyne and Wear
NE8 1HH

Email: earlyhelpservice@gateshead.gov.uk
Tel: 0191 433 3319 or 0191 433 5019

Careers Information, Advice and Guidance

The Careers IAG team offer help, information and advice on education, training and employment and can support young people to make choices and plan for the future. They can help young people to

- Develop skills and confidence to achieve their goals
- Completing application forms
- Building CVs
- Approach interviews with confidence.

Home educated young people are a priority group for the Careers IAG team. Year 11 students will be offered support from the team.

To make an appointment call **0191 4332785**

Health

0-19 Team Gateshead

Gateshead 0-19 service are working with partner agencies to identify and support children who are currently being elective home educated in Gateshead.

Referrals are received from the EHE team with consent from parents, the 0-19 service will review current information held by the service to identify any known health needs. All children referred into the service will be offered health screening in the form of a questionnaire or face to face contact depending of known information.

Where health needs are identified children will be offered packages of care, where appropriate or health referrals. Integrated working with partner agencies will ensure a holistic approach to health and well being issues being addressed.

Review Procedures and Practices

Gateshead will review these guidelines and practice in relation to home education on an ongoing basis. Home education organisations, parents and relevant partners will be involved in the process of review in order to ensure the most effective practice and strengthen partnerships.

Complaints Procedures

Gateshead local authority seeks to work in partnership with parents/carers who choose to Home Educate their child(ren) and to develop good working relationships. However, if a complaint should arise, in the first instance, contact should be made with the Team with responsibility for Elective Home Education either by telephone or in writing to the Service Manager:

Education Support Service
Dryden Centre
Evistones Road
Low Fell
Gateshead
NE9 5UR

Tel 0191 433 8758



Appendix 1

Elective Home Education Multi-Agency Group (EHE-MAG)

Terms and Conditions

Background

Gateshead has a long history of working with parents who choose to home educate, providing them with support and advice on meeting the educational needs of their children. Over the past few years the number of home educated children has steadily increased both nationally and locally.

We know that schools can act as a protective factor in children's lives and children who are home educated may become hidden, which means that we may be less able to help and protect them. In her commentary, Eleanor Schooling (Social care commentary, Dec 2017) discusses the need for different types of child protection issues to be linked, taking a more strategic approach to identifying risks and providing an effective response for home educated children.

Safeguarding and Child Protection

In relation to children and young people, safeguarding is defined in 'Working together to safeguard children 2018' as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes.

Child Protection is:

- A part of safeguarding and promoting welfare
- The activity that is undertaken to protect specific children who are suffering or likely to suffer, significant harm

It is on this basis that safeguarding action may be needed to protect children and learners from:

- neglect
- physical abuse
- sexual abuse
- emotional abuse

Safeguarding is not just about protecting children, young people and/or vulnerable adults, from deliberate harm, neglect and failure to act. It relates to broader aspects of care and education, including:

- Children's and learners' health and safety and well-being
- the use of reasonable force
- meeting the needs of children and learners with medical conditions
- providing first aid
- educational visits
- intimate care and emotional well-being
- online safety and associated issues
- appropriate arrangements to ensure children's and learners' security, taking into account the local context.

Safeguarding is also about the early identification of children and young people that may benefit from early help and interventions.

Effective joint working can be undermined by poor communication and several Serious Case Reviews have highlighted poor information sharing as a factor. For this reason, Working Together 2018 is absolutely clear that "Fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children."

The local authority has responsibility to bring together agencies and individuals to be proactive in safeguarding and promoting the welfare of children. The local authority must take action to enable cases of suspected or identified abuse to be properly considered or pursued.

Approximately 22% of children who were EHE in 2017/18 were historically or currently known to wider children's services such as Early Help and 13% were historically or currently known to children's services.

On being made aware of a pupil who is to be educated at home, a number of checks will be carried out by the EHE team to clarify if there are any concerns about the arrangement to home educate.

The information received, will inform further actions and potential support if needed. The EHE team will liaise with the Lead Professional if a child is subject to a CAF or has recently been involved in the CAF process.

If the child is subject to a Child In Need Plan or Child Protection Plan, the EHE team will make immediate contact with the child's allocated Social Worker and there will be discussion as to whether or not the risks to the child have increased as a result of the parental desire to home educate. This may need to be discussed with the Social Work manager. A member of the EHE team will attend any further safeguarding meetings in relation to the child, whilst they are being home educated. This includes any further Child Protection Conferences.

EHE-Multi-agency Group (EHE-MAG)

As set out in Gateshead's Elective Home Education Strategy 2020-2025 page 7; any child protection concerns will be immediately referred to the Local Authority using established safeguarding protocols.

In order to support our home educated pupils, Gateshead has adopted a multi-agency support process. As part of this process children and young people who are being home educated may be discussed at the EHE-MAG when there are concerns.

Membership of the group includes representation from:

- Early Help
- Social care
- Health
 - CAMHS/CYPS
 - CCG (GPs)
 - Harrogate District Foundation Trust 0-19 Team Gateshead (school nurses and health visitors)
- Police
- EMTAS
- SEN
- Post 16 (as needed)
- Housing
- Lead EHE Officer
- Service Manager (chair)

The group meets monthly. Members bring to the meeting relevant information to be shared with the group, in accordance with their information sharing procedures.

Children and young people **may** be discussed at the EHE MAG when

- there are safeguarding concerns
- children are involved with children's services and are new to EHE
- there is no evidence or limited evidence of education provision after attempts have been made by the local authority to gather this information
- the education provision is unsuitable and is unlikely to improve but the parent is unwilling to cooperate with the local authority in returning the child to school
- parents have raised a concern regarding their child and have given consent for their child to be discussed at the EHE MAG. This may enable further support to be accessed.

Monitoring and Review

Where actions are identified, children will be reviewed at a subsequent Panel, to ensure actions have been followed and to discuss the impact of these actions and whether further action is required.

Information is provided annually to GSCB on the electively home educated children in Gateshead.

Consent

As already state on p.7 of the Elective Home Education Strategy 2020-2025, under section 10 of the Children's Act 2004, local authorities should have arrangements in place to promote cooperation between local authorities and its partners who deal with children. Under section 11 arrangements should be in place to ensure that functions are discharged with regard to the need to safeguard and promote the welfare of children. These arrangements should include information sharing protocols.

Effective sharing of information between practitioners and local authorities is essential for early identification of needs, assessment and service provision to keep children safe.

Section 175 of the Education Act 2002 also 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 duty encompasses home educated children.

Section 31 of the Children's Act 1989 makes it clear that a failure to provide a suitable education is capable of satisfying the threshold that a child is suffering or is likely to suffer significant harm.

Information may be shared without consent where a practitioner feels there is good reason to do so and that sharing of the information will enhance the safeguarding of a child.

The GDPR and data protection Act 2018 does not prevent or limit the sharing of information for the purpose of keeping young people and children safe and states that

“personal information can be share lawfully if it is to keep a child at risk, safe from neglect or physical, emotional or mental harm or if it is protecting their physical, mental or emotional wellbeing.”

The EHE MAG will be mindful when sharing information to ensure that it is necessary and proportionate to share the information, that the information shared is relevant and adequate for its purpose and the information is accurate and shared in a timely manner.

Appendix 2

Aspects that will be considered when establishing whether a suitable education is being provided.

The following areas would be discussed with parents during a home visit. Parents may wish to consider these areas, if they would prefer to offer information regarding the education they are providing for their child, via correspondence. The local authority recognises that there are a range of philosophies that parents may follow and that children progress at differing rates.

Curriculum aims and objectives
What are your aims and objectives, and have they been achieved? (Why are you home educating and what is your educational philosophy)
How does the education provided match the age, aptitude and/or ability of the young person?
Does the young person have a broad range of experiences that will equip them with the skills needed for later life?
Is the young person motivated to achieve the aims and objectives set out?
What progress has been made so far?
Learning Environment
List of resources.
Where does the child learn and what facilities help the child to learn?
Evidence
Evidence of a variety of work covered. (Please attach information) (evidence of literacy and numeracy* provision is essential)
How is provision recorded and organised?
Young Person
How will the education enable the young person to achieve their potential?
Does the young person have opportunities to develop social skills that will equip them for later life?
Is the child involved in a range of physical activities?
What are the young person's views of their education?
How many hours each week do you spend on educational activities?
What is the plan for the next year?

*This information can be provided in a range of formats.



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