

## Pupils Electively Educated at Home

### Policy for Merthyr Tydfil County Borough Council

#### Legal Responsibilities

##### **1. Parental/Carer Responsibilities**

*"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"*

##### **(Section 7, 1996 Education Act).**

In legal terms, an education is 'efficient' if it achieves what it sets out to achieve and 'suitable' if the education prepares the child for life in modern civilised society and enables the child to achieve his full potential.

**Parents/carers do not need** to seek permission from the LEA to begin home education, but, where the child is already attending school, they must notify the school in writing of their intention to do so.

There is no requirement for parents to apply the National Curriculum, to operate school hours or to give formal 'lessons'.

**However, if the pupil has a Statement of Educational Needs and is registered at a special school, parents must obtain the consent of the LEA to withdraw their child from the school.**

**(Education (Pupil Registration) Regulation 9(2), 1995);  
(Amended, Wales, 2001/1109).**

This regulation is to enable LEAs to maintain continuity in their responsibility for pupils with Special Educational Needs, rather than to be a hindrance to these pupils being educated at home.

**The LEAs statutory duty to undertake an Annual Review of a pupil's Special Educational Needs remains.**

The Annual Review should assess whether the statement is still appropriate and make any necessary alterations. Should it be required that the statement is to be maintained, the parent(s)/carer continue to have responsibility for the education provided; however, the LEA has a legal duty to ensure that the child's needs are met.

##### **2. Responsibilities of the School**

When the school receives notice in writing that parents wish to educate their child at home, it is the duty of the head teacher to inform the LEA, in writing, that they have removed the child from the register. This must be done within 10 school days of notification.

### 3. Responsibilities of the LEA

The LEA is obliged to keep a register of pupils electively educated at home. This is maintained by the Advisory Teacher with responsibility for Pupils Electively Educated At Home.

In order to satisfy itself that the education received at home is suitable, the LEA will implement the following procedures:

- Make contact with the family within 20 school days, either by telephone or in writing, to arrange a meeting with the parent(s)/carer and pupil. This may take place at the family home or another agreed venue.  
If the parent(s)/carer do not respond to the Advisory Teacher's efforts to make contact, a joint initial visit will be made to the home with an Educational Welfare Officer.
- Meet with the pupil's previous school to gain information about the pupil's progress and ability.
- Where necessary, seek advice and information from other agencies that have been involved with the pupil e.g. the Education Welfare Service, Educational Child Psychology Service.
- During the initial meeting, discuss how the parent(s)/carer intend to meet the educational needs of the pupil and outline the LEA's advisory role.
- Ensure that parent(s)/carer are aware that if they choose to home-educate, they assume financial responsibility for their child's education, including the cost of public examinations and that the child must continue to receive suitable education until the end of 'compulsory education' (i.e. the last Friday in June in the academic year in which they reach age 16).
- Give the family a reasonable amount of time (up to half a term) in which to organise the pupil's education and make a further visit to discuss any issues that may have arisen.
- Make contact with the family once a term in order to offer a meeting at home, or at another suitable venue, to discuss educational provision.  
Alternatively, parents might prefer to provide a report, samples of work or evidence provision in some other appropriate form.  
Should there be concerns regarding the quality of provision, visits may be increased, by mutual agreement, to allow the Advisory Teacher and parents to discuss ways of making improvements.
- The Advisory Teacher will keep records of visits made and documentation received. These will be made available to parents/carers.
- Any individual cases that are causing concern will be brought to the attention of the LEA's Steering Group. The Advisory Teacher will present information and evidence to the panel in order to be suitably advised regarding future action.  
If the Steering Group decides that, despite numerous visits and advice having been offered, the pupil is not receiving suitable education, advice will be sought from the Legal Department before requesting the issue of Attendance Order 437.
- In the event of there being concerns regarding Child Protection, the Authority's Child Protection Officer will be informed and advice taken accordingly.
- Should it be deemed unwise for the Advisory Teacher to make a home visit alone, the Senior Education Welfare Officer will be contacted in order to arrange a joint visit.

## **Traveller Families**

The special position of Traveller families is also recognised in law (section 444(6), Education Act 1996). Traveller parent(s)/carer are protected from conviction if the parent(s)/carer can demonstrate that:

- He or she is engaged in a trade or business of such a nature as requires travel from place to place;
- The child has attended at a school as a registered pupil as regularly as the nature of that trade or business permits;
- The child, where aged six or over, has attended school for at least 200 sessions (half days) during the preceding twelve months.

## **Complaints Procedure**

In the event of parents/carers having concerns or wishing to register a complaint, they should, in the first instance, contact the Advisory Teacher, who will try to resolve any issues. If a parent/carers is dissatisfied with the advice offered or is in dispute with the Advisory Teacher, complaints should be made to the Head of School Improvement.

## **Contacts**

Advisory Teacher with responsibility for Pupils Electively Educated at Home  
Integrated Children's Services  
Ty Keir Hardie  
Avenue de Clichy  
Merthyr Tydfil  
CF47 8XD

Senior Education Welfare Officer  
Integrated Children's Services  
Ty Keir Hardie  
Avenue de Clichy  
Merthyr Tydfil  
CF47 8XD

Head of School Improvement  
Integrated Children's Services  
Ty Keir Hardie  
Avenue de Clichy  
Merthyr Tydfil  
CF47 8 XD

## **Additional Advices:**

**Butterworth's Education Law Manual [BELM issue 0 Page A/476-A484]**  
<http://www.butterworths.co.uk>

**Inclusion and Pupil Support**  
**National Assembly for Wales Circular 47/2006**  
[www.wales.gov.uk/inclusionandpupilsupport](http://www.wales.gov.uk/inclusionandpupilsupport)

**National Assembly for Wales 2002  
Special Educational Needs Code of Practice for Wales**

**National Assembly for Wales 34/02  
Preventing Unsuitable People From Working with Children and Young Persons in the  
Education Service**

**Welsh Office Circular 52/95  
Protecting Children from Abuse  
The Role of the Education Service**

**Parent Support Groups:**

**Advisory Centre for Education (ACE)**

1b Aberdeen Studios  
22/24 Highbury Grove  
London N5 2DQ  
Tel: 0207 3548321  
[www.ace-ed.org.uk](http://www.ace-ed.org.uk)

**Christian Home School**

[www.homeschool.co.uk](http://www.homeschool.co.uk)

**Education Otherwise Association Limited**

PO Box 7420  
London N9 9SG  
Tel: 0870 7300074  
[www.education-otherwise.org](http://www.education-otherwise.org)

**Home Education Advisory Service**

PO Box 98,  
Welwyn Garden City,  
Herts. AL8 6AN  
Tel: 01707 371854  
[www.heas.org.uk](http://www.heas.org.uk)

**Home Education UK**

[www.home-education.org.uk](http://www.home-education.org.uk)

**Home Education Resources**

[www.home-education-resources.co.uk](http://www.home-education-resources.co.uk)

**Muddle Puddle**

**(An independent site focusing on learning for 0-8 year olds)**

[www.muddlepuddle.co.uk](http://www.muddlepuddle.co.uk)

**The Home Service**

**(A national Christian home education group)**

[www.home-service.org](http://www.home-service.org)