

**REPORT OF THE EDUCATION SELECT COMMITTEE
2016/17**

Alternative Provision

Meeting Date: Thursday 15 SEPTEMBER 2016

Present:

Councillor Nicholas Bennett J.P. (Chairman)
Councillor Neil Reddin FCCA (Vice-Chairman)
Councillors Kathy Bance MBE, Kim Botting FRSA, Alan Collins, Mary Cooke,
Judi Ellis, Ellie Harmer and Chris Pierce

Church Representatives with Voting Rights:
Joan McConnell

Parent Governor Members with Voting Rights:
Emmanuel Arbenser, Special School Parent Governor
Mylene Williams, Primary School Parent Governor

Non-Voting Co-opted Members
Emmanuel Arbenser, Special School Parent Governor
Alison Register, (Pre-School Settings and Early Years Representative)

Also Present:
Councillors Peter Fortune (Portfolio Holder for Education)

Witnesses:

Mr Neil Miller, Headteacher Bromley Beacon Academy and Bromley Trust Academy;
Ms Jenny MacDonald, Senior Education Welfare Officer, LBB;
Ms Debbie Partington, Lead Teacher for Home and Hospital Tuition, LBB;
Mr Kevin Grant, Home Tutor, Alternative Education and Welfare, LBB.

The Committee gives its sincere thanks to the witnesses for their contribution to the Education Select Committee.

EDUCATION SELECT COMMITTEE

1. The Education Select Committee met on 15 September 2016 to consider alternative education provision

Committee was provided with a range of written evidence including a report providing an overview of alternate education in Bromley, a written statement from a home educator based in the Borough, an article on home education from a July 2016 edition of *The Times Magazine* and an article entitled *Call to Review Home School Rules* from the 4 August edition of the *Municipal Journal*. In addition to this, Mr Neil Millar had provided supplementary information on Bromley Beacon Academy and Bromley Trust Academy under separate cover. Subsequent to the meeting further written submissions were received, at the request of the committee from all the witnesses.

2. Executive summary

RECOMMENDATION 1

The School Partnership Board consider how the progress of pupils who have attended the Bromley Academy Trust can be better monitored so prevent re-admittance and to enable evaluation of the outcomes of the Academy.

Recommendation 2

That the School Partnership Board examine how best practice can be disseminated with regard to the provision of work for pupils unable to attend school through ill health.

Recommendation 3

That the School Partnership Board consider how the work of the Core Panel can be made more widely known to schools and to consider whether standardised information questionnaires regarding pupils in need of support through alternative provision might be helpful.

Recommendation 4

That the School Partnership Board identify best practice for the reintegration of pupils into mainstream education and encourage all schools to adopt it.

Recommendation 5

That if required, further analysis of the reasons for the rise in the number of children with mental health problems be undertaken in the light of the findings of the review by CAMHS

Recommendation 6

That the Executive be requested to examine what resources from other sources including the CGC might be accessed to ensure a seamless service for children in education with serious medical needs.

Recommendation 7

That the Council directly and through the Members of Parliament for the

Borough makes representations to the Government for the following changes in the law:

- 1. To introduce a registration system for all young people not educated in a formal school;**
- 2. to enshrine in law the right of parents to home educate such a right is subsidiary to the right of every child to a proper education so as to be able to find employment and be a full member of the community;**
- 3. to ensure that Local Authorities have the power investigate and ensure that children outside the formal education system are safe and well;**
- 4. that the recommendations of the Badman Report and the Select Committee on Education Report be taken into account in drafting other legislative proposals.**

3. Background

The vast majority of schools in Bromley are now academies; the Council still has responsibility for ensuring alternative provision for those unable to attend mainstream or Special education. The Council also has a safeguarding responsibility for all children within the Borough. Alternative provision comprises;

**Provision for pupils excluded from school
Hospital and Home Tuition for pupils unable to attend school
Elective Home Education**

4. Evidence

4.1 Alternative provision for pupils excluded from school

Witness

Neil Miller, Headteacher, Bromley Beacon Academy and Bromley Trust Academy

4.1.1 Bromley Education Trust (BET) under the auspices of London South East Colleges (formerly Bromley College of F&HE) is responsible for the Bromley Beacon Academy (formerly Burwood School) and for the Bromley Trust Academy.

4.1.2 The Bromley Beacon Academy is not an Alternative Provision but a special school for young people with Social, Mental and Emotional Health.

4.1.3 The Bromley Trust Academy (BAT) was previously known as the Pupil Referral Unit (PRU). It has two locations – Hayes Lane (secondary) and Midfield Campus (primary provision).

4.1.4 Detailed statistics were provided by Mr Miller in the briefing paper attached with the agenda for the committee hearing. In 2016 every pupil finished Key Stage 4 with at least one qualification. Attendance has also improved, although the data for previous years had been incorrectly recorded which meant that this improvement was not evidenced in the statistics provided to the Committee. Significant improvements have also been made in terms of behaviour, with the number of emergency call outs to the Hayes Campus reducing from 30 in 2013/14 to 1 in 2015/16. Positive feedback was received through the Parent Survey and in

2016 every Year 11 student has undertaken at least one week's work experience.

4.1.5 We were pleased to hear that robust measures are in place to manage post-registration truancy which had been poor some years ago when operated as the PRU.

4.1.6 50% of pupils have returned to mainstream secondary education.

4.1.7 There are currently no systems or structure are in place to monitor the performance of pupils as they transfer between provisions. One of the challenges is that if young people did well in the BAT it is sometimes very difficult to return them to mainstream provision. There are still some young people that 'bounce back' to the BAT after returning to mainstream education and this highlighted the importance of ensuring that the right support is in place to support young people during the period of transition.

4.1.8 We were informed that tracking of pupil's progress was in place in the Academy and that there is an holistic approach to the young people, starting with their home lives as this often impacted on their education and that once these issues are addressed young people tend to achieve higher levels of attainment. A number of young people were now choosing to remain in education and progress onto further education.

RECOMMENDATION 1

The School Partnership Board consider how the progress of pupils who have attended the Bromley Academy Trust can be better monitored so prevent readmittance and to enable evaluation of the outcomes of the Academy.

4.2 Home and Hospital Tuition

Witness

Debbie Partington, Lead Teacher for Home and Hospital Tuition, LBB

4.2.1 The Home and Hospital team are responsible for providing schooling for young people on the Children's Ward at the Princess Royal University Hospital as well as a Home Tuition Service for young people that are considered to be medically unfit to attend school or those that are between provisions. At any one time there are 20-25 people attending the Nightingale Centre and service users include pregnant teenagers or teenage mothers, young people with mental health issues and young people that are medically unfit to attend mainstream education but are able to cope in a smaller setting. There is a full time teacher and a full time teaching assistant based at the hospital. Curriculums are set through topic work and the teacher tries to deliver the same work that the young people would be undertaking if they were at school, working to a flexible curriculum that supported all children. Ms Partington said that this can be very challenging as there is a wide range of ages and abilities at the hospital and the teacher has to cater for individual needs. The Committee heard that the response from schools is patchy.

Recommendation 2

That the School Partnership Board examine how best practice can be disseminated with regard to the provision of work for pupils unable to attend school through ill health.

4.2.2 Intake to the Service is through the Core Panel. Ms Partington said that there is a concern that there appears to be a lack of understanding in schools of the processes and the support that is available from the Local Authority. The Core Panel is an excellent gatekeeper for the Service and as a result of this process the Service is now receiving a great deal more initial information about the individual needs of the young people accessing the Service and the support they require.

Recommendation 3

That the School Partnership Board consider how the work of the Core Panel can be made more widely known to schools and to consider whether standardised information questionnaires regarding pupils in need of support through alternative provision might be helpful.

4.2.3 The Committee was told that although a lot of reintegration work was undertaken to prevent young people 'bouncing back' into the alternate provision, it is often difficult to reintegrate young people into mainstream provision in Key Stage 4. There is no standard across the Borough and some schools are really good at supporting young people back into mainstream education whilst others are less so.

Recommendation 4

That the School Partnership Board identify best practice for the reintegration of pupils into mainstream education and encourage all schools to adopt it.

4.2.4 We were concerned to hear that there had been a substantial increase in the numbers of children presenting with mental health issues, some of them severe symptoms. The Service had initially been set up to support young people with physical or medical issues however, in the previous year 62% of young people within the Service suffered from mental health issues and only 1% with physical or medical needs. Further statistics, subsequently supplied, at the committee's request, are attached at **Appendix A**. From the evidence we received there appears to be no single reason for the rise. In recent years there had been a marked rise in the number of high achieving pupils who needed help. Therapeutic input is key to supporting the young people referred to the Service. To ensure service users are treated in an holistic way a counsellor has recently been recruited to provide additional support.

4.2.5 We were informed that a review by the Child and Adolescent Mental Health Service (CAMHS) is taking place and a copy would be provided once the report was published.

Recommendation 5

That if required, further analysis of the reasons for the rise in the number of children with mental health problems be undertaken in the light of the findings of the review by CAMHS

4.2.6 The Hospital and Home Tuition Service is funded through the High Needs Block. In the future the Block will be formula funded and the Department anticipates that there will be a number of pressures placed on it. Funding from the Block has to be directed at education services and if a young person has a health problem support will generally be accessed through health channels rather than education. The Bromley Y service is the route for a school to refer a young person for counselling.

Recommendation 6

That the Executive be requested to examine what resources from other sources including the CGC might be accessed to ensure a seamless service for children in education with serious medical needs.

4.3 Elective Home Education (EHE)

Witnesses

Jenny MacDonald, Senior Education Welfare Officer, LBB
Kevin Grant, Home Tutor, Education and Welfare, LBB

4.3.1 The Committee invited representatives from those who home school. A letter (attached as **Appendix B**) was received from an organisation described as 'Home Education Hub'. Sadly the letter contained a series of assertions many of which, from the evidence of the hard work undertaken by the Education service, were untrue. As the writer admitted, having written under the banner of the 'Hub', the views and opinions were merely those of the author and not those of home educating families in Bromley. We regret the lack of co-operation with our inquiry by a representative of home schooling parents.

4.3.2 We heard evidence that there has been a steady rise in the number of declarations of Elective Home Education (EHE) since 2012. And that there were currently 202 cases. This figure is increasing by approximately 155 per annum. Although official data is not collected by the DfE, from information gathered at Officer forums it was clear that Bromley was not unique in experiencing this rise and this was part of a national trend.

4.3.3 We note that in the *Report into Elective Home Education in England* chaired by Graham Badman, a former Director of Children's Services at Kent County Council (The Badman Report) published in June 2009, a question had arisen over the accuracy of the figures relating to the numbers of young people in EHE. The Senior Education Welfare Officer responded that the Local Authority could only know what it knows.

"Children who are withdrawn from school need to be recorded with the Local Authority and a parent must write to the Head Teacher stating their child is to be de-registered and confirming that it is their intention to home educate their child. If a child has never been registered for a school place, or moves from one LA area to another, the parents do not have to inform the LA they are home educated"

(Professionals Briefing Sheet A Guide to Elective Home Education (EHE) in Bromley) submitted to the Committee.

4.3.4 The reasons that parents opt for EHE ranged from philosophical objections to traditional schooling (including Lifestyle, cultural and religious beliefs), dissatisfaction with the school system, alleged bullying and school anxiety and phobia. The Home Tutor reports that the percentage of parents choosing EHE for philosophical reasons has reduced in recent years. Contrary to some suggestions the traveller community in Bromley is not disproportionately represented. Many more families are choosing to home educate for short periods or as a stop-gap between schools and whilst 5 years ago there were slightly more boys being home educated, in recent years more girls are being home schooled.

4.3.5 More parents of children due to enter Reception class appear to be opting for EHE. 11 pupils of reception age are recorded as EHE (6 girls, 5 boys) of which 4 are Summer born children. A number had indicated that this was because they do not feel that their child is old enough to start school. Usually the children enter mainstream education in Year 2 or Year 3 and the time away from mainstream education is therefore not too long. However, if parents declare EHE in Year 2 or 3 the evidence is that the intention is to permanently home school.

4.3.6 Although there is little statistical information available it would appear that very few of those educated at home went on to higher education. In the 2014/15 cohort only 2 or 3 of the 14 or 15 young people that declared EHE went on to university whilst some went to college. Unfortunately many were declared NEET. It is difficult to record accurate figures because parents are reluctant to engage with the Local Authority after Year 12.

4.3.7 One particular issue that frequently arises is that of parents removing their children from mainstream education and opting for EHE in year 9 and then trying to return them in years 10 and 11 (Key stage 4). In some instances this might be due to pressure from schools to remove the pupils from the school and in other circumstances it could be an attempt by parents to enrol their children into a school that they perceive to be better. Whatever the circumstance, it is the policy of the Local Authority to ensure that a pupil is returned to the school at which they were previously enrolled.

4.3.8 The UK is the only country in Europe that allows parents complete freedom to opt for EHE. One of the characteristics of EHE is that it is a rejection of the formal system of education, and as such an extension of this is that parents also reject formal examinations, although a small proportion of home educated pupils sit exams at the Nightingale Centre.

The Law

Appendix C sets out the current legal position.

4.3.9 The choice of EHE is the prerogative of parents and legislation is in place to support this. "*Education is compulsory but school is not*". Section 7 of the Education Act 1996 states that a parent must ensure that their child receives education that is full-time, efficient and suitable. What counts as efficient and suitable is not defined.

A parent must make available an educational provision that is suitable for to the child's age, ability and aptitudes and takes account of any Special Educational Needs. The education should primarily equip the child for life within the community to which s/he is a member but should not foreclose the child's options in later years to adopt a different form of life.

Parents do not have to follow the National Curriculum, assess work, have a timetable, nor follow practices usually observed in school or operate within 'school times'. Some parents employ tutors or purchase on-line educational resources, join with similar minded families or share resources. Learning can take place out[doors], informally with family and friends or more formally through tutorial centres"

4.3.10 The role of the Home Tutor includes gaining an understanding of what the family is trying to teach. They are able to give advice and make suggestions however they are not allowed to attempt to persuade families back into the formal education system. There is no right of entry into homes and the Local Authority can only make enquiries if it has evidence to suggest that the young people are not in receipt of a suitable education. There is no legal responsibility to teach subjects other than English and Maths and the Local Authority is not allowed to monitor progress. The only requirement placed on parents is that the education has to be full-time and suitable. If problems are identified parents have to be given the opportunity to address and rectify them before any action can be taken. In the main, Home Educators in Bromley engage with the Local Authority. There is a joined up multi-agency approach that is managed through the Core Panel process. Officers within Bromley liaise with the Police who have access to boarder agencies in order to identify if children had left the country

4.3.11 We were pleased to note that the Home Tutor has a good relationship with the majority of parents opt for EHE. Once a parent decides to return their child to mainstream education, there are very few who then return to EHE.

4.3.12 There had always been, and is always likely to be, tension between the rights of parents to pursue EHE and the duties placed on Local Authorities in respect of safeguarding and child protection. The Local Authority actively tracks and monitors children missing from education but that is as far as the powers of the Local Authority extend. There are no legislative powers that enable the Local Authority to compel parents to place their children in mainstream education. Concerns can be raised through the Core Panel and through this Panel Officers have access to partner organisations that may be able to provide further information if a child comes to the attention of any of the other partner agencies.

4.3.13 The powers of local authorities are limited once parents declare they are home schooling. However, if the Local Authority could demonstrate that all reasonable steps had been taken to track down a young person missing from education it is likely that it would be considered to have fulfilled its corporate parenting duties.

4.3.14 A major dilemma which the current law does not resolve is the failure to decide whether the rights of parents to home school are greater than the rights of the child. In our view the right of a child to receive a comprehensive and all round education must be paramount. There are clearly concerns as to whether the current rather vague legislative position provides adequate protection for the child

4.3.15 The Committee considered the Pembrokeshire Case that was currently the subject of a Serious Case Review. An eight year old boy Dylan Seabridge died of a heart attack. A post mortem revealed that he had anaemia and some of his teeth were loose. It concluded

“these findings together are explicable through the effects of longstanding vitamin C deficiency (scurvy)”

The Child Practice Review found that he was 'invisible' to the authorities following his parents' decision to educate him at their secluded Welsh rural house and refuse officials any access.

“It could be argued he was not having the opportunity to have his basic human rights met. He was not routinely having access to play, leisure, sporting and cultural activities along with friendships and age appropriate socialisation. When he encountered health problems he was not given the right to appropriate healthcare. It appears that his emotional and physical well being was compromised”

The Children’s Commissioner for Wales commenting on the report said

“I am concerned about a small number of children who are not in school and may have fallen under the radar. Under current arrangements, it is possible for a local authority and health board to be unaware that the child is resident in their area and for the child not to be receiving any meaningful education and health care.

This is the case in Wales and throughout the UK. I think it is vital that every child has the opportunity to express their view about their education and to be seen by a professional on at least an annual basis. Every child should receive health care, including routine checks and dentistry”.

4.3.16 Mindful of this case, we are very concerned that vulnerable children could fall under the radar and that the powers a Local Authority has to intervene are circumscribed. We agree with the Senior Education Welfare Officer and Home Tutor that the current situation is not satisfactory and that there remains a large gap in the system of child protection and safeguarding. We note that across the country many Local Authorities believe that changes in the law are necessary if this gap is to be filled.

4.3.18 Although excellent multi-agency links exist, there could well be young people in the Borough who have never come to the attention of any agency. If a child has not formally entered mainstream education there is no duty on parents to engage with the local authority and this means that children cannot always be tracked. Until Parliament changes the law in this respect there is always a real possibility that children are not known to the Local Authority and are therefore not included in official statistics.

4.3.19 Whilst respecting the right of parents to home educate we believe that the current situation is untenable. It is very unsatisfactory situation and compromises the Council’s duties to safeguard the wellbeing of every child who lives in the Borough.

4.3.20 The Badman Report (Para 4.3.3) made 28 recommendations to the Government in 2009 including a compulsory registration system. There was considerable opposition to the Report’s recommendations from home schoolers. Subsequently the House of Commons Children, Schools and Families Select Committee responded to the Review. It opposed any form of compulsion or extension of LA powers.

(Second Report Children, Schools and Families SC HC39-1 and 11Session 2009-10)

Nonetheless the Government proposed, in the 2009 Queen’s Speech the introduction of a registration system in a Children Schools and Family Bill. The clauses proposing compulsory registration were subsequently dropped after opposition in the Commons.

4.3.21 The EHE movement is a powerful lobby however we believe that the climate has changed considerably since 2010. Tragedies such that in Pembrokeshire together with a renewed concern about the child safeguarding means that the current situation cannot continue. Local Authorities need stronger powers if the commit and responsibility for safeguarding is to be effective with regard to Elective Home Education.

Recommendation 7

That the Council directly and through the Members of Parliament for the Borough makes representations to the Government for the following changes in the law:

- 5. To introduce a registration system for all young people not educated in a formal school;**
- 6. to enshrine in law the right of parents to home educate such a right is subsidiary to the right of every child to a proper education so as to be able to find employment and be a full member of the community;**
- 7. to ensure that Local Authorities have the power investigate and ensure that children outside the formal education system are safe and well;**
- 8. that the recommendations of the Badman Report be taken into account in drafting other legislative proposals.**

This page is left intentionally blank

Home and Hospital Tuition Service

Report

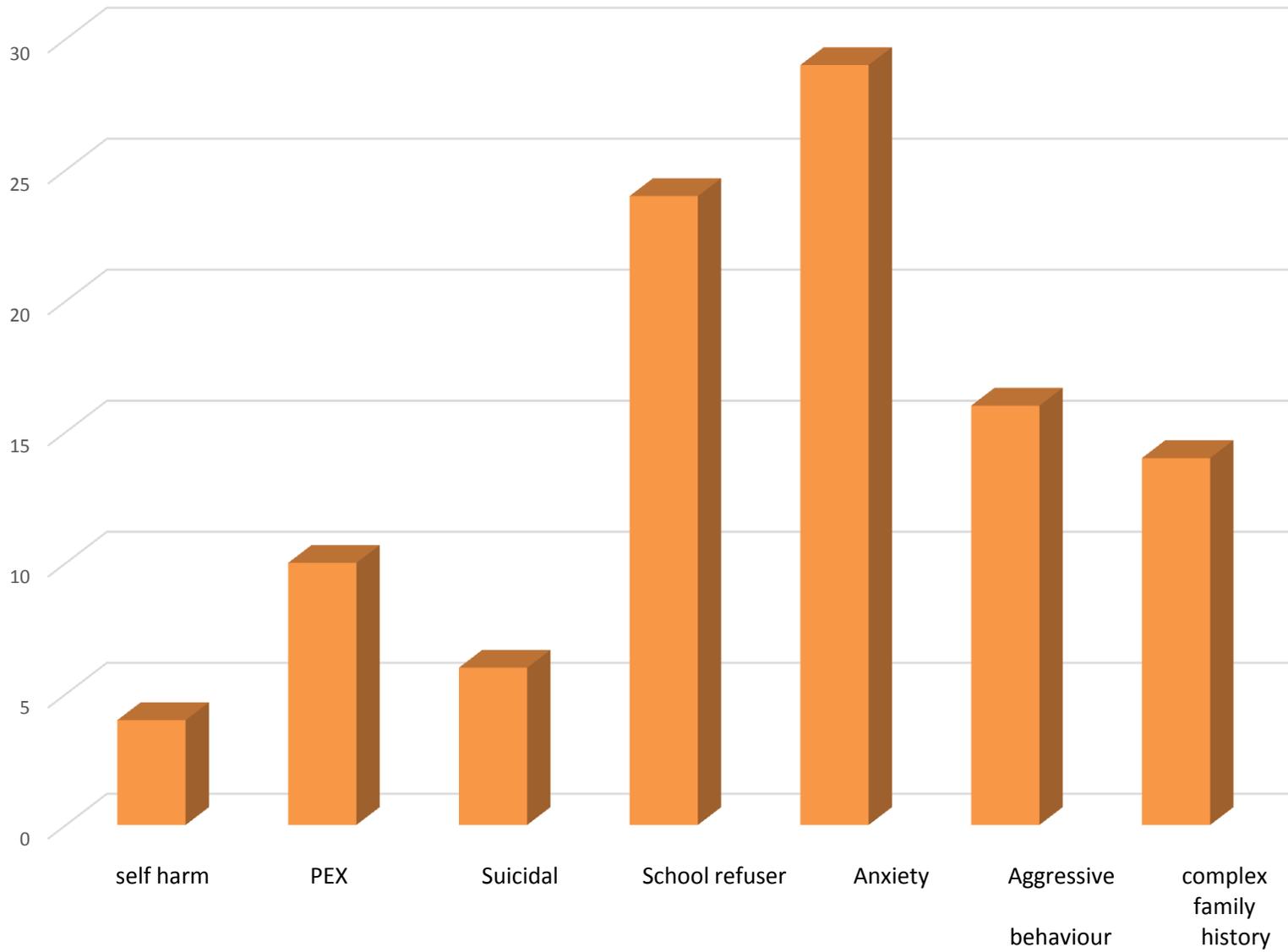
September 2016

Pupils with mental health needs

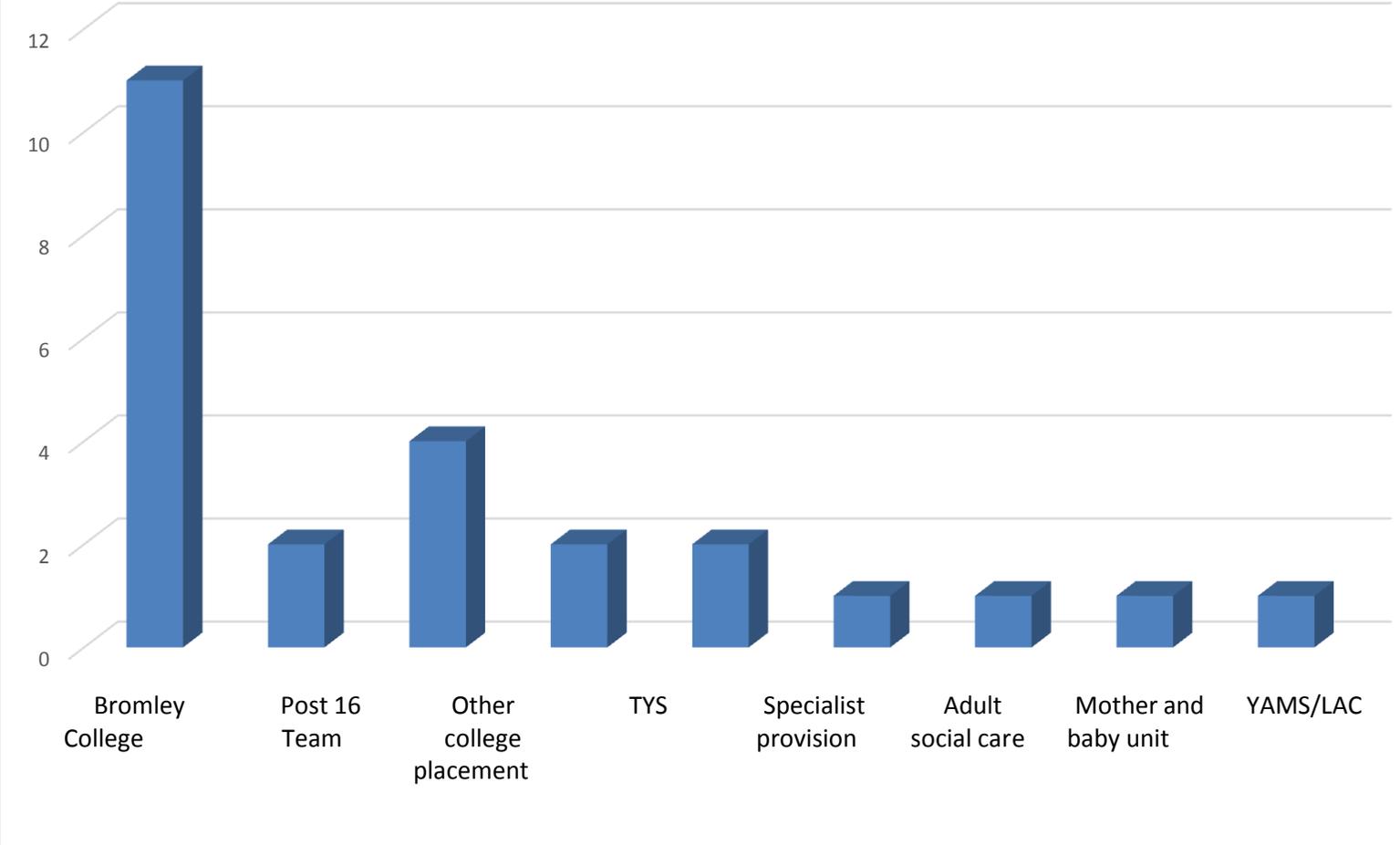
Data content

1. Mental Health needs by type
2. Outcomes
3. Agency involvement
4. Attendance
5. Case studies
6. What will happen to pupils who don't fit the BFA criteria?
7. Hospital school data

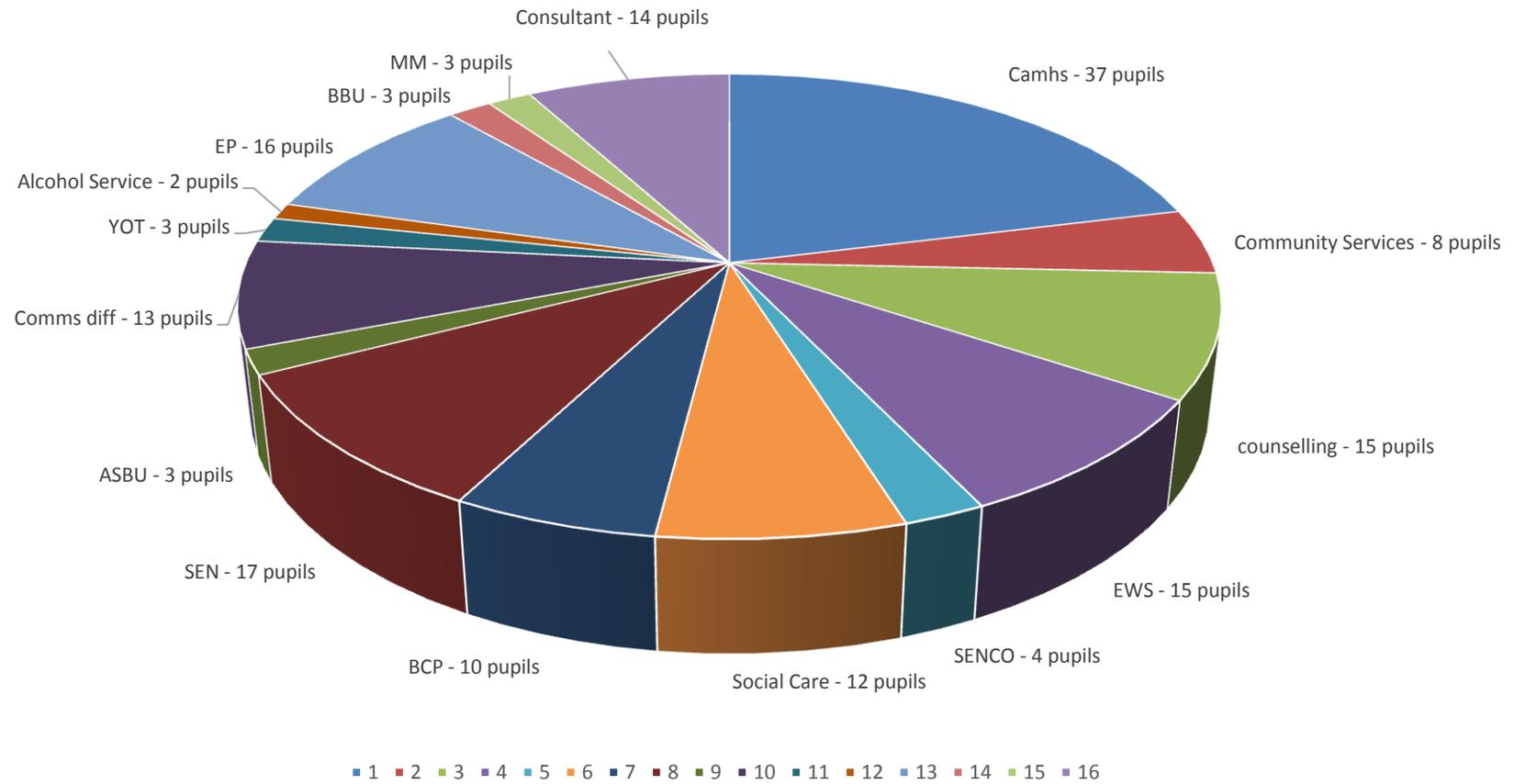
Pupils with mental health needs 2015-16 breakdown by type.



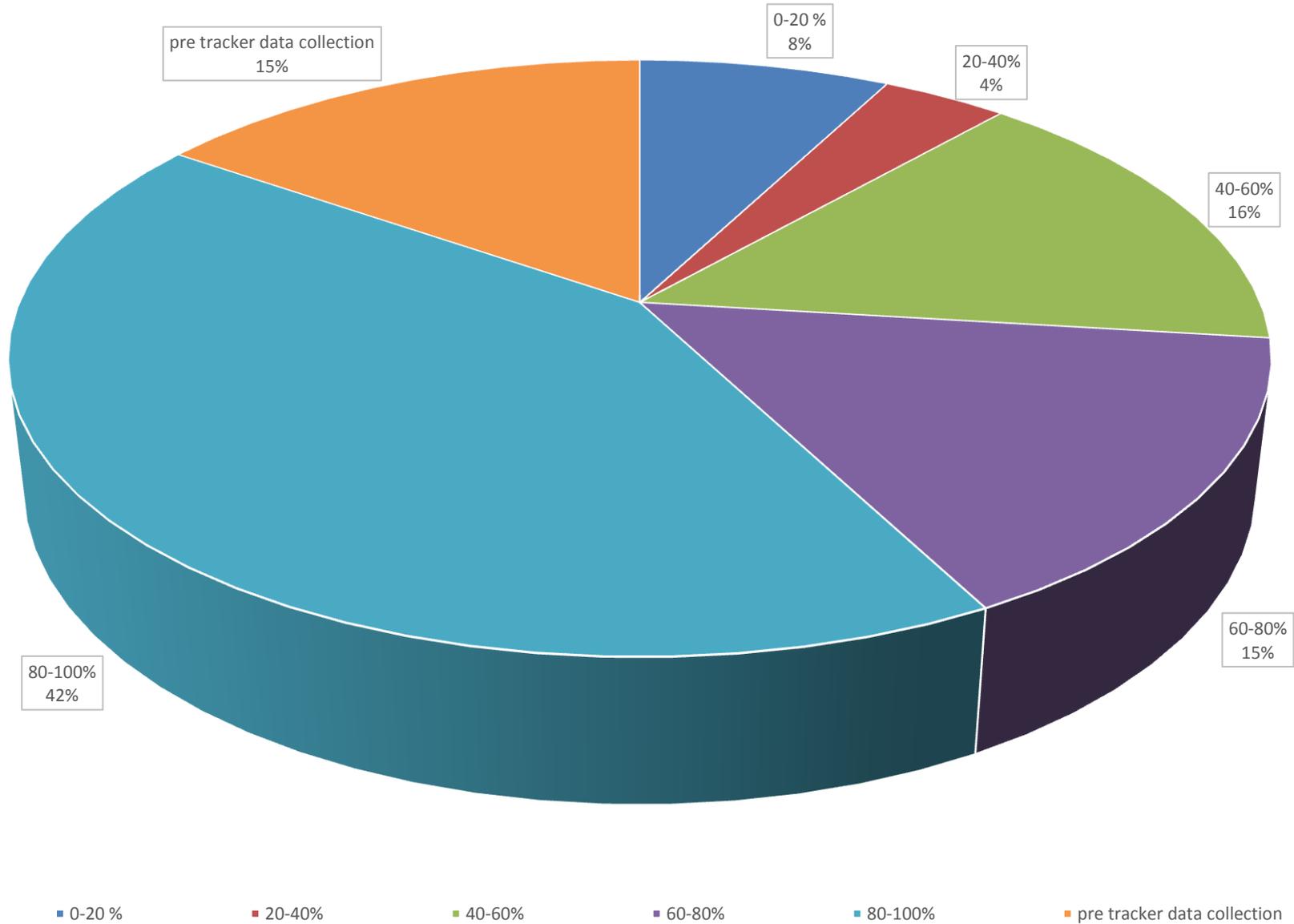
Placement outcomes for post 16 pupils 2015-16



Agency involvement with pupils with mental health 2015/16



Attendance Data for pupils with mental health 2015 / 16 - 52 pupils



[REDACTED]
Home Education Hub (HE Hub)

📍 Oak Road

Green Street Green

BR6 [REDACTED]

31 July 2016

FAO: Councillor Nicholas Bennett JP, Education Select Committee, Bromley Council

Re – Meeting Scheduled for 7pm, 15 September 2016

What HE Hub does

HE Hub helps to disseminate relevant information to new and long-term (elective) home educating families based in Bromley and surrounding areas. It also gives parents who are disillusioned with the traditional school system a place and opportunity to explore alternatives, and engage with others in similar situations.

Relevant information includes:

- Mainstream news items affecting home education, for example, ministerial appointments, changes in educational policies, court cases, parliamentary proposals
- What to expect from meetings with local councils
- Changes in home education practices in other parts of the UK and Europe
- Social and educational ad-hoc and regular events
- Educational resources

Dissemination takes place via dedicated home education community forums, Facebook groups and to a very limited extent, the public website.

Examining the efficiency and effectiveness of alternative education in Bromley

In the absence of a formal measurement of the efficiency and effectiveness of home education in Bromley, all that can be proffered is surely superficial – post-16 attainments, perhaps.

For the record, we regularly get good news about the successes of children who have either passed their IGCSEs and going on to do Advanced Level in pursuit of admission onto degree programmes or those who have been able to obtain apprenticeships within their chosen career fields.

During the active home education period, how effective the process is depends to a large extent on:

1. **The financial status of the family:** Can the children readily access educational resources? Can they afford events – travel and fees? Can extra tuition be paid for? Can the parents/carers afford additional or special tools required for a particular child? Can parents/carers afford extra-curricular activities?
2. **The familial support structure:** Is there any respite available for the main educator?
3. **Examinations:** Though this is related to 1 above, it deserves a separate heading because it is a highly contentious issue. IGCSEs are very expensive. My belief is that every child in the borough should be entitled to at least a **FREE** first attempt. That parents are made to privately fund these crucial examinations appears like a punishment being meted out by the council for daring to 'go against the norm'. Taking IGCSEs or GCSEs, free of any charge or condition, should be every child's right regardless of how or where in the UK the child is educated.
4. **Special Educational Needs (SENs):** Most of the children taken out of the school system have SENs. The current system adopted by Bromley takes a hands-off approach evidenced by the NIL provision of support towards the educational needs of the child.
5. **Dialogue:** The relationship (or lack of) between the home education community and the council is dismal. When I started home educating my kids many years ago, I heard nothing positive about the council, and I imagine the same applies to a host of others.

What should be prioritised

In my view, examining the efficiency and effectiveness of a phenomenon presupposes that all parties are in agreement, that they understand their respective roles, understand why the event occurs, and have similar objectives. I feel that what this meeting is about ignores the underlying issues that should first be addressed. I am astounded that a meeting is being called to address the effectiveness and efficiency of a system that the council has no positive input in.

The following issues need to be looked into:

1. Why home education in Bromley is rising.
2. The root cause of the continuing dissatisfaction with the traditional school system.
3. The assistance that can be offered to home educated children to ensure they pursue and reach their potentials.
4. The lack of an inquiry when kids are pulled from schools.
5. The lack of understanding and empathy for parents who make the very difficult decision to home educate their children, having tried in vain to make traditional schooling work.
6. The unabated incidences of children being traumatised by bullying in schools.
7. The reactive (rather than proactive) stance of the education department – more needs to be done to engage with parents whilst their children are still in school. There ought to be a system in place that allows parents to resolve issues being encountered at school.
8. The reasons why 'under the radar' home educating families choose to stay anonymous.
9. The abject lack of council-sponsored facilities (sports, music, etc) for home educating children during school terms.

[Unfortunately, I will not be at the meeting due to work and child care commitments, but I do hope the above points get discussed, or at the very least, noted.]

P Debola

@yahoo.co.uk

info@he-hub.com



[The views and opinions in this document are mine. I do not speak for all the home educating families in Bromley.]

This page is left intentionally blank

Supplementary Information for Elective Home Education

Legal

LA guidance regarding EHE:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/288135/guidelines_for_las_on_elective_home_educationsecondrevisev2_0.pdf

2.1 The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not.

2.2 Article 2 of Protocol 1 of the European Convention on Human Rights states that: "No person shall be denied the right to 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 convictions."

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 to receive efficient full-time education suitable -

- (a) to his age, ability and aptitude, and
- (b) to any special educational needs he may have, either by regular attendance at school or otherwise."

2.3 The responsibility for a child's education rests with his or her parents. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law¹ as an education that "achieves that which it sets out to achieve", and a "suitable" education is one that "primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so".

Parental rights and responsibilities

2.4 Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age. Parents are not required to register or seek approval from the local authority to educate their children at home.

Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. However, local authorities are encouraged to provide support where resources permit –

Local authorities' responsibilities

2.5 The DCSF recommends that each local authority provides written information about elective home education that is clear, accurate and sets out

the legal position, roles and responsibilities of both the local authority and parents. This information should be made available on local authority websites and in local community languages and alternative formats on request.

Local authorities should recognise that there are many approaches to educational provision, not just a "school at home" model. What is suitable for one child may not be for another, but all children should be involved in a learning process.

2.6 Local authorities have a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their 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 being at school (for example, at home, privately, or in alternative provision). The guidance issued makes it clear that the duty does not apply to children who are being educated at home.

2.7 Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, under Section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that parents are not providing a suitable education. This section states that:

"If it appears to a local education 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 shall not be less than 15 days beginning with the day on which the notice is served.

2.8 Prior to serving a notice under section 437(1), local authorities are encouraged to address the situation informally.

The most obvious course of action if the local authority has information that makes it appear that parents are not providing a suitable education, would be to ask parents for further information about the education they are providing. Such a request is not the same as a notice under section 437(1), and is not necessarily a precursor for formal procedures. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so.

1 Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (12 April 1985)

4

2 Statutory Guidance for Local Authorities in England to Identify Children not Receiving Education available at <http://www.everychildmatters.gov.uk/ete/childrenmissingeducation/>.

3 Phillips v Brown (1980) <http://swarb.co.uk/phillips-v-brown-qbd-20-jun-1980/>
5

Elective Home Education Guidelines for Local Authorities

2.9 Section 437(3) refers to the serving of school attendance orders:

"If

This page is left intentionally blank