

## **ELECTIVE HOME EDUCATION**

# **CHOOSING TO EDUCATE A CHILD AT HOME**

## **Cambridgeshire County Council Guidance**

This policy statement has been produced by  
Cambridgeshire Elective Home Education Office

**April 2023**

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# 1. INTRODUCTION

The legal responsibility for a child's education rests with his/her parents. While most parents choose to educate their children by sending them to school, other parents choose to home educate their children. Cambridgeshire County Council aims to work in partnership with home educating parents. This document is designed to offer information to anyone interested in home education but is particularly aimed at parents.

This document should be read in conjunction with the "Elective home education – Departmental guidance for local Authorities and the separate guidance for parents, both issued April 2019:

<https://www.gov.uk/government/publications/elective-home-education>

The decision to educate your child at home is an important one as you alone will be responsible for ensuring that your child receives a proper and suitable education. Home education can potentially take up a great deal of parents' time, energy and money, so you are advised to think very carefully before you make any decision and to talk to other home educating parents.

You may wish to consider the following:

- The likely costs involved - books, equipment, exam fees, tutors, loss of parental income.
- How to provide the social interaction that your child would normally receive at school, such as meeting and mixing with new friends.
- How to provide activities such as group work, access to special facilities and equipment e.g. for science or sport, trips and visits.

Many parents choose to home educate for positive educational reasons. However, if you are considering opting for home education as a result of a disagreement with the school which your child attends, it would be advisable to try and resolve the problems with the school before deciding on home education. If this is the case and you would like support in liaising with the school then please email [electivehome.education@cambridgeshire.gov.uk](mailto:electivehome.education@cambridgeshire.gov.uk) or leave a message on the following number 01223 703542 and we will try to help.

Although children educated at home are not normally registered at any school, parents sometimes choose to make arrangements for a child to receive part of their education provision at school – this is called flexi schooling. Schools are under no legal obligation to enter into a flexi schooling arrangement.

Further information on Flexi Schooling can be found at the link below:  
[www.cambridgeshire.gov.uk/residents/children-and-families/schools-&-learning/education-your-rights-and-responsibilities/home-education](http://www.cambridgeshire.gov.uk/residents/children-and-families/schools-&-learning/education-your-rights-and-responsibilities/home-education)

The contact details for some of the national and local organisations which support home educators can be found at the end of this document.

Choosing to educate your child at home is not a once and for all decision, and neither is sending your child to school. You can always change your mind. The important thing is to think carefully before making any decision.

## 2. ROLES, RIGHTS AND RESPONSIBILITIES

### The Child

European Convention on Human Rights states:

*"No person shall be denied the right to education"*

Article 29 of the UN Convention on the Rights of the Child

*"Governments agree that the aim of education is to help the fullest possible growth of the child's or young person's personality, talents and mental and physical abilities".*

### Parents

Parents are legally responsible for ensuring that their children receive a suitable education.

Section 7 of the Education Act 1996 states:

*"The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable –*

*a) to his age, ability, aptitude, and*

*b) to any special educational needs he may have either by regular attendance at school or otherwise".*

Most parents choose to educate their children by sending them to school. Others choose to home educate their children. Parents who choose to home educate are under no legal obligation to register or inform the local authority that their child is being educated at home. However the Government has consulted on proposals to change this:

[https://consult.education.gov.uk/school-frameworks/children-not-in-school/supporting\\_documents/EHE2019consultationpaper9.5.pdf](https://consult.education.gov.uk/school-frameworks/children-not-in-school/supporting_documents/EHE2019consultationpaper9.5.pdf)

Parents are not required to inform the school that the child is being withdrawn to be home educated. **However**, it would be advisable to do so as schools are obliged to inform the Local Authority on every occasion that a child is removed from its register. By not providing the school with the intent to home educate, the child could fall into the scope of the Local Authority's Children Missing from Education statutory duties.

<https://www.gov.uk/government/publications/children-missing-education>

Parents are not required to register or seek approval from the local authority to educate their children at home, but the LA will keep records of those who have chosen to do so and seek to be satisfied that all children are in receipt of a suitable education. 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.

**Clarification from the DfE** - If your child was on a school roll outside Cambridgeshire and then deregistered for Elective Home Education, if you subsequently move to Cambridgeshire and maintain home education, we will still retain statutory responsibility to make reasonable enquiries as to the suitability of the education being provided. The fact that the family has not previously lived in our area and was not on a school roll here previously does not override the LA's statutory responsibilities to ensure a suitable education is being received.

## **The Local Authority**

The Education Act 1996 also places legal duties upon the Local Authority. Section 436a states:

*“A local Authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but –*

- (a) Are not registered pupils at a school, and*
- (b) Are not receiving suitable education other than at school*

Section 437 then states:

*“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.”*

*“If – a) a parent on whom a notice has been served....fails to satisfy the local education 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 on the parent...a school attendance order... requiring him to cause the child to become a registered pupil at a school named in the order.”*

Section 443 then states:

*“If a parent on whom a school attendance order is served fails to comply with the requirements of the order, he is guilty of an offence, unless he proves that he is causing the child to receive suitable education otherwise than at school.”*

If we consider a suitable education is not being provided, then we will write to parents informing them of this. If we are satisfied that a suitable education is not being provided, and the parents, having been given a reasonable opportunity to address the identifying concerns, do not provide sufficient information, we will consider sending a formal notice to the parents under section 437 before moving on, if needed, to the issuing of a School Attendance Order (section 437(3)).

The LA will only consider serving a School Attendance Order if it's not clear whether home education is suitable, this includes on the occasions that a parent fails to provide confirmation and information on the education provision being provided. Prior to this we will always try to work with the parents in order to address the situation informally.

Cambridgeshire County Council is committed to working with home educating parents in a spirit of partnership and cooperation in order that both parties – parents and the Council – can effectively meet their respective duties under existing legislation.

## Safeguarding

The welfare and protection of all children are of paramount concern and the welfare issues may arise in relation to home educated children. If any child welfare concerns come to light these concerns will immediately be referred to the appropriate authorities.

Local authorities also have a duty under Section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states:

*“A local education authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children.”*

Parents may choose to employ other people, such as private tutors to educate their child, though they themselves will continue to be responsible for the education provided. They will be responsible for ensuring that those whom they engage are suitable persons to have access to children. Parents will therefore wish to satisfy themselves by taking up appropriate references or undertaking Disclosure and Barring Service (DBS) check.

If a parent is thinking of using a tuition centre or an alternative provider the parent needs to check that the tutors are DBS checked and visit the premises to check that the building is safe and secure. It is important to seek advice from the local authority if there are concerns that the provider is operating as an unregistered provider.

In ensuring an appropriate balance between the rights of parents and the responsibilities of local authorities the LA will always endeavour to build open, fair, consistent and non-intrusive relationships with home educating parents.

## 3. A SUITABLE, EFFICIENT, FULL-TIME EDUCATION

The terms “suitable”, “efficient” and “full-time” are not defined in the legislation but case law in the Courts have indicated that education is deemed to be;

- “efficient” if it achieves what it sets out to achieve and
- “suitable” if it “equips a child for life within the community of which he is a member, rather than the way of life of the country as a whole, so 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.”
- There is currently no legal definition of “full-time”. Children who attend school normally do so for between 22 and 25 hours a week, for 38 weeks a year, but this measurement of “contact time” may not be relevant to home education when education may take place outside of normal “school hours” or be made up of periods of 1 to 1 tuition.
- Currently children must continue to receive suitable education until the last Friday in June in the academic year in which they reach the age of 16.
- Young People may be educated at home to meet the requirement of Raising Participation Age agenda.

**Compulsory school age:**

From: 1 September, 1 January, 1 April following the child's fifth birthday  
To: the last Friday in June in the school year in which the child is sixteen  
(1 September to 31 August)

**The LA's Approaches to Home Education**

The LA recognises that there are many diverse and varied, but equally valid, approaches to home education and that education takes place in a variety of environments, not just the child's home.

The LA also recognises that children learn in different ways and at different speeds.

Home education will reflect a diversity of approaches and philosophies, ranging from a formal structured, time-tabled programme to a more informal, experiential approach to learning.

The LA will aim to understand and respect home educating parents' individual educational preferences and philosophies and to promote mutual understanding and trust.

**The Parent's Approaches to Home Education**

Parents who are home educating their child(ren) are expected to provide evidence of a suitable education that would, on the balance of probabilities, convince a reasonable person that a suitable education is being provided for the age and ability of the child.

We will give reasonable weight to information provided by parents, on its own merits. In particular, we will not dismiss such information simply because it is not in a particular format. However, online forms are available to be completed on our website which is the most popular format used by our home educating families.

The information provided by parents should demonstrate that the education actually being provided is suitable and address issues such as progression expected and (unless the home education has only just started) achieved. It should not be simply a statement of intent about what will be provided, or a description of the academic approach taken - this would not enable the authority to reach a legitimate conclusion that a suitable education is actually being provided. The information provided should be able to demonstrate satisfactory content or measurement of progress.

There are no legal requirements to teach them the National Curriculum, give formal lessons, mark work done by the child, formally assess the child's progress or set development objectives. However, many home-educating families do some of these, at least, by choice. Furthermore, it is likely to be much easier for you to show that the education provided is suitable if attention has been paid to the breadth of the curriculum and its content, and the concepts of progress and assessment in relation to your child's ability.

Some parents may find it difficult to articulate the education that is being planned and followed. In these circumstances, a Local Authority Officer may offer support to parents with providing a summary of education.

### **Information that may be deemed suitable:**

These include :

- Timetables
- curriculum plan – either produced by the parent or a tutor which focus on key subject area e.g English, Mathematics and Science
- photographs,
- workbooks,
- progress reports, dated work over time – which provided evidence of a child's reading and writing ability or any evidence that the education programme is actually taking place and being received by the child.
- record of conversations with the child/parent made by a Local Authority Officer during home visits or telephone conversations

### **Information that may be deemed unsuitable:**

There may be a variety of reasons why the information/evidence provided has not been deemed suitable by the Local Authority. Each case is judged upon its own individual circumstances. A series of non-exhaustive examples:

- There is no or very limited examples of work submitted
- There is no or very limited detail of how the child's progress is being monitored or examples of work to demonstrate relevant progression.
- The education provision described lacks detail and it is difficult to ascertain what is being taught / what subjects are being studied.
- There is no or very limited information regarding resources used internally and externally.
- There is no or very limited detail of how the child's progress is being monitored or examples of work to demonstrate relevant progression.
- There is no clear academic or time structure.

It is important to note that the above is for guidance and by way of example only and is not an exhaustive list. Each case is judged upon its own individual circumstances. The local authority needs to be satisfied that appropriate education is taking place and therefore it will be about building a full picture of the individual circumstances rather than rigid adherence to a check list.

The departmental guidance for local authorities states that the term 'suitable' should be seen in the following light:

"it should enable a child to participate fully in life in the UK by including sufficient secular education. This means that even if the home education is primarily designed to equip a child for life within a smaller community within this country it should not foreclose the child's options in later life to adopt some other mode of living, and to be capable of living on an autonomous basis so far as he or she chooses to do so..."



“ notwithstanding (a), the home education provision does not need to follow specific examples such as the National Curriculum, or the requirement in academy funding agreements for a ‘broad and balanced’ curriculum, nor the independent school standards prescribed by the Secretary of State<sup>15</sup>. Conversely, however, if the home education does consist of one or more of those, then that would constitute strong evidence that it was ‘suitable’ in terms of s.7; it should enable a child to participate fully in life in the UK by including sufficient secular education. This means that even if the home education is primarily designed to equip a child for life within a smaller community within this country it should not foreclose the child’s options in later life to adopt some other mode of living, and to be capable of living on an autonomous basis so far as he or she chooses to do so...”

#### 4. THE PROCESS

When a parent makes the decision to home educate we do not make the assumption that the child is not being suitably educated. We take into account the context of individual circumstances and are on hand to offer advice and guidance and where appropriate broker additional support.

Legislation requires local authorities to enquire in a timely and effective manner, the education is being provided and have these responsibilities for all children of compulsory school age

On the occasion that we are made aware that a child of compulsory school age is not attending a state or independent school full time and there is a possibility that the child is being home educated, we will send a letter requesting confirmation of home education as well as an outline of your home education being delivered.

Following any review of your home education provision, if we are not satisfied, you will be notified and given reasonable time to put plans in place and demonstrate the suitability of education. We may write to you to ask for more information or allocate an Officer to support you with that process.

If we receive no information or we have concerns regarding the provision, the child will fall into the scope of the Local Authority’s Children Missing from Education statutory duties.

#### 5. SPECIAL EDUCATIONAL NEEDS

**From September 2014, Statements of Special Educational Needs were replaced by Education, Health & Care Plans. (EHCP)**

- If your child has special educational needs you have an equal right to home educate.
- However, if your child currently attends a special school his/her name cannot be removed from the roll of that school without the agreement of the LA to ensure appropriate support is in place.
- If a child who is home educated has a statement of special educational needs, the LA remains responsible for ensuring that the child’s needs are met and are under a duty to maintain the child’s statement and to review it annually.

- It may be appropriate, once it is established that a child's special educational needs are being met without any additional support from the County Council, to consider ceasing to maintain the statement.
- If the home education which the parents are providing falls short of meeting the child's needs, as identified in the statement, then this education would not be deemed "suitable".
- If, after a period given to address the concerns, the education is still considered not suitable, you will be asked to send/return your child to school.
- If you fail to do so a School Attendance Order may be served.
- If you are educating your child at home and feel he/she has special educational needs you may ask the County Council to carry out a statutory assessment (or reassessment).

## **6. SUPPORT FROM THE LOCAL AUTHORITY**

- Information is sent out to your child during the last year of compulsory education.
- If asked, the LA will write an official letter that families can use to access local amenities or secure discounts on resources
- The EHE Manager holds periodic meetings with Home Educating Families in Cambridgeshire (this includes both registered and unregistered families).
- The Statutory Assessment Team (SAT) remain involved if your child has an Education, Health & Care Plan
- The LA can put you in touch with other Children's Support Services
- Support can also be accessed through District Team who offer a range of youth activities, family support and career guidance
- Extended borrowing rights for Cambridgeshire Home Educated families at local libraries and access to the local authorities' website.
- Individual referrals suggested by the local authority for targeted careers guidance for some young people transitioning to post 16 opportunities
- Access to SENDIASS (Special Educational Needs and Disability Information, Advice and Support service) - previously Parent Partnership is available for parents home educating.

### **Child Employment**

Regulations regarding Child Employment apply to all children of compulsory school age whether they attend a school or are home educated. Children may not work until they attain the age of 13 years. Before a child is able to commence any form of employment he/she must be in possession of a Work Permit. An Child Employment leaflet for employers and parents and an application form for a Work Permit can be obtained by contacting the Child Employment Office on 01354 750166.

### **Children in Entertainment**

Regulations regarding children in entertainment apply to all children of compulsory school age whether they attend a school or are home educated. A Performance Licence is required if a child is engaged in paid work in the theatre, in a film or television performance, in modelling or sport. Further information may be obtained from the Children in Entertainment Office on 01354 750166

### **Gypsy, Roma and Traveller Children**

We have an understanding of and are sensitive to, the distinct ethos and needs of Gypsy, Roma and Traveller communities. These families who are electively home educating are treated in the same way as any other families. Home education should not necessarily be regarded as less appropriate than in other communities. When a Gypsy, Roma and Traveller family with children of school age move into our area, they are strongly encouraged to contact us for advice and help to access local educational settings.

Further guidance can be obtained from the [Department of Education](#).

### **Further Education**

Websites with information on post 16 options and dates of open days and application deadlines

<https://www.cambscoursefinder.com/CAP/Home.aspx>

## **7. SITTING EXAMINATIONS**

Once you have decided to home educate your child, you should be aware that you assume sole financial responsibility including the cost of any public examinations.

The internal assessment component of many standard qualifications and courses, such as National Vocational Qualifications and GCSEs, can make it difficult for home educated children to access some qualifications.

There are a number of different examination boards that offer GCSE qualification with different syllabuses. It is crucial that before starting on a particular GCSE course, you ensure that you first identify a centre, such as a school or college, which will accept his/her examination entry. You may find it helpful to consider the following:

- If you have an existing and positive relationship with a school or college you may wish to enquire as to whether your child could be entered there for the exams and that the school or college will be willing to undertake to assess any coursework.
- If you do not have any relationship or contact with a school or college you will need to contact an Examinations Board, which may be able to arrange a local centre on your behalf. If you do this you should also ensure that the board can arrange for any coursework to be assessed.

Examinations Boards can supply syllabuses and copies of previous exam papers at nominal cost or they can be downloaded from the board's website.

GCSE courses are usually studied over two years but can be completed in a single year. Examination entries need to be finalised in the January prior to the exam (in June).

## **GCSE Examination Boards**

### **Oxford Cambridge & RSA (OCR)**

[www.ocr.org.uk](http://www.ocr.org.uk)

Email [helpdesk@ocr.org.uk](mailto:helpdesk@ocr.org.uk) Tel: 01223 553998

### **OCR Information Bureau, Vocational Qualifications:**

<http://www.odlqc.org.uk/>

Email: [cib@ocr.org.uk](mailto:cib@ocr.org.uk) Tel: 024 7647 0033

### **Edexcel**

Website: [www.edexcel.org.uk](http://www.edexcel.org.uk)

Email: [enquiries@edexcel.org.uk](mailto:enquiries@edexcel.org.uk) Tel 0870 240 9800

### **The Assessment and Qualifications Alliance (AQA)**

Website: [www.aqa.org.uk](http://www.aqa.org.uk)

Email: [mailbox@aqa.org.uk](mailto:mailbox@aqa.org.uk) Telephone: 0161 953 1180

### **University of Cambridge International Qualifications**

[www.cie.org.uk](http://www.cie.org.uk)

### **Yahoo**

This group is for home educating families who have children who wish to take GCSEs. The intention is to share information, resources and experience

[http://groups.yahoo.com/group/HE-Exams-GCSE-A\\_AS\\_Levels-OU-Others/](http://groups.yahoo.com/group/HE-Exams-GCSE-A_AS_Levels-OU-Others/)

## 8. RESOURCES

There are many websites offering advice and resources on home education. They can be accessed following the links in the websites listed below

### **Home Education Advisory Service (HEAS)**

Tel 01707 371854

E-mail [Admin@heas.org.uk](mailto:Admin@heas.org.uk)

Website [www.heas.org.uk](http://www.heas.org.uk)

### **Education Otherwise Association Limited**

Helpline: 0870 7300 074

E-mail [enquiries@education-otherwise.org.uk](mailto:enquiries@education-otherwise.org.uk)

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

### **HE Special UK**

<http://www.he-special.org.uk/>

Provides information, articles, resources and mailing list for parents of children with special needs who would like to educate at home.

### **Choosing Education Options in Cambridge**

[www.educationchoice.org.uk](http://www.educationchoice.org.uk)

### **Cambridge Home Educating Families Group**

<http://www.cambridgehomeeducators.org.uk/>

**The Open and Distance Learning Quality Council** (for information on correspondence courses)

Tel 020 7612 7090

### **The Gypsy – Traveller Pupils website**

[www.gypsy-traveller.org/education/](http://www.gypsy-traveller.org/education/)