

Children's Services
Access and Inclusion

Elective Home Education in Cumbria

Information
For Young People,
Parents and Carers

September 2011

Access and Inclusion

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Introduction

This booklet is designed to simply explain the basics of elective home education and the specific role of Children's Services. It should help you to understand what happens in Cumbria to promote partnership between Children's Services and families who choose to provide their child(ren) with education '*otherwise*' than '*by regular attendance at school*'. You may already be an established elective home educator, with well thought-out ideas about an approach that works for your family. However, many parents have questions and sometimes doubts about how it all works. This booklet is mainly to help them.

If you have questions that are not answered here please contact either of the people below:

Marie Barnes
Children's Services
Schools & Learning
Stramongate
KENDAL LA9 4DB

Sarah Wright
Children's Services
Access & Inclusion
Friargate
PENRITH CA11 7XR

Tel: 01539 713462
marie.barnes@cumbria.gov.uk

Tel: 01768 812061
sarah.wright@cumbria.gov.uk

Alternatively, the websites and organisations attached to this booklet hold a lot of information and answers to the most frequently asked questions.

The authors of this booklet have drawn heavily on the information provided by other authorities and the national and local organisations supporting and providing for elective home educating families.

Children's Services is the Directorate that brings together the county council's responsibilities for education and social services for children, young people and their families.

Elective Home Education

A variety of people from all walks of life choose this way of learning for their children. Home educators and their children are a very diverse group. The practice of most home educating families tends to fall somewhere between being quite structured and formal, perhaps almost creating a sense of school-at-home and being very informal, learning as opportunities arise and a young person's interests change (often known as autonomous learning). A more formal approach may be chosen if a young person is quite likely to return to school in the foreseeable future, for example to take exams. This can give a family a useful sense of stability and structure, allowing them to build their confidence and know where they're going. Other families take advantage of the flexibility that home education allows.

Young people can continue right through their school age years being home educated, often taking the same kind of exams as their peers in schools. Many go on into higher education, and some spend periods in different forms of education. Some young people don't take any exams but may move straight into work or training. A few, unfortunately, do not seem able to engage with any learning opportunities offered despite everyone's best efforts. There are just as many possible outcomes for home educated young people as for those in schools.

There is a prejudicial perception that home educated children are missing out on 'normal socialisation', that they are somehow disadvantaged socially and developmentally. There is no evidence to support this view. There are many possibilities for social contact with other home educating families as well as the out-of-school activities that are available to all young people.

The law allows for diversity in education and parents have a right to have their child(ren) educated in accordance with their own beliefs and values, but the education must be efficient and full-time and must be suitable to the young person's age, ability, aptitude and any special needs.

You don't need permission to home educate (unless your child is registered at a special school) and you do not need to have formal qualifications yourself. Statutory practices that apply to schools and teachers, such as National Tests do not apply to elective home education and you do not need to follow the National Curriculum, although it may be a useful reference. What you do need is the desire to help your child(ren) to learn, which may sometimes involve learning with them. What learning opportunities you provide and how your youngster learns is up to you providing that the education you provide is *'full-time'*, *'suitable'* and *'efficient'*.

Home-educated young people often find that access to further and higher education or to employment is more flexible than generally supposed. It is useful to check what qualification requirements there may be for a particular career path, but it is possible to access further and higher education through other means, for example by providing a portfolio of work. Further information about accessing exams can be obtained from the main support organisations for home educating families, which can be found in the appendices to this booklet.

Children's Services have a duty to ensure that all children have access to the universal services to which they are entitled and they must act if it appears that any child is not being suitably educated. So that the authority can meet these responsibilities, it makes informal enquires of all home educating parents, asking them to give information to show that they are meeting their responsibilities.

How much does education at home cost?

When making a decision to provide education at home for your family you will need to recognise you will have to meet the full cost, including books and all other resources, exam and course fees.

Neither local authorities nor central government provide any financial assistance to home educators, so inevitably parents and carers will incur some expense. Although computers are by no means essential, they and Internet access are a very useful resource for both parents and young people. There are many sources of help and information available these days, especially via the Internet. Internet access, and many other resources are available at libraries, schools and community facilities throughout the county. If you can afford them, an extensive range of educational

publications and work programmes can be bought from bookshops. Some suppliers and venues will offer discounts to home educators.

On the other hand home educators do not have to buy school uniforms, pay bus fares to and from school, or the other incidental expenses connected with school, currently estimated at around an average of £1,000 per year, and they can also link-up with other families to share resources. There is a wide range of informative public broadcasting and much can be learned from everyday experiences and projects that cost very little.

Flexi-schooling

There is no legal reason why a young person who remains registered at a school cannot be educated part of the time there and part of the time at home, so long as they attend regularly on the days it has been agreed they will be in school. Some parents and carers may be considering the possibility of educating their children at home and in a school. This may be on a long term or short term basis. This partnership arrangement requires a formal written agreement between the school and the parents which clearly identifies:

- a) the days, dates and times when the child is to be in school
- b) the length of time the agreement is to be in force for e.g. a year
- c) the ability to end/amend the agreement with half term's notice by either the parents or the school.

As the child is still on the school roll, the statutory regulations apply with regard to attendance. The parents must also provide a suitable education at home.

Although parents can ask a school to consider a "flexi-school" arrangement, agreement is at the discretion of the Headteacher. There is no duty on a school to provide flexi-schooling.

Children with Statements of Special Educational Needs

Parents have the same rights to home educate a child with a Statement of Special Educational Needs (SEN), but a statement of SEN is a legal document imposing certain duties upon Children's Services. There will need to be close consultation with

parents to ensure that the needs identified in the statement are being met. (Further details can be found in the Special Educational Needs Code of Practice, 2001, pages 112-113). The local authority retains a duty to ensure the child's needs are met, to maintain the statement and to review it annually, following the procedures set out in the Code of Practice for Special Educational Needs. Parents are always involved in the review process. Part 4 of a statement can identify provision otherwise than at school, which is considered appropriate.

If your child is registered at a special school named in their Statement of Special Educational Needs, you cannot de-register them to be home educated without the agreement of the local authority. If your child has a statement of Special Educational Needs, and particularly if they are registered at a special school, please contact the Special Educational Needs Service at the Children's Services Office nearest to where you live, before taking any action about home education.

Mobile families

Some families who are mobile, such as Travellers, may also choose to educate their child/ren at home. Mobile families who are home educating are asked to contact their local Children's Services, Children Missing Education Officer when they arrive in or leave Cumbria. There are also some specific organisations to help Traveller families who wish to home educate their child/ren. Traveller families can also seek support through Traveller Education Support Services from around the country when they are mobile. A contact list can be obtained from the National Association of Traveller Teachers (Appendix 3)

How to begin

Young people who are below compulsory school age or who have never been registered at a school

If your child has never been registered at a school then you are not legally required to do anything, although it would help us considerably if you were to complete *Notification of Elective Home Education* (Form HE2) in this pack. Alternatively, you may write to The Corporate Director, Children's Services, 5, Portland Square, Carlisle, Cumbria CA1 1PU.

Pupils at school

If your child is registered at a school you should write to the school's proprietor or Headteacher, saying that you are now educating your child at home, and you wish your child's name to be removed from the admission register. You could quote the regulation, 9(1)(c), *The Education (Pupil Registration) Regulations 1995*. The proprietor must then remove the child's name from the school roll. They must also inform Children's Services that the child has been de-registered. It is important that you do de-register your child in this way, otherwise they will still be expected to attend school regularly and you are at risk of prosecution if they do not. Again, we would ask you to complete *Notification of Elective Home Education* (Form HE2) or write to the Corporate Director, Children's Services.

And finally

It is worth recognising that home education is not suitable for every young person or every family, or for all of the time. If at any time you conclude that your child's best interests would be served by going to school, Children's Services will be happy to help you find a suitable place. Please contact:

School Admission Team
5, Portland Square
Carlisle
CA1 1PU
01228 60 6891

If your consideration of home education is due to an unresolved issue or dispute with a school, Children's Services would want to offer you every assistance to resolve this before you make a decision. Initially, you should contact the Children Missing Education Officer, Children's Services, in your area:

Allerdale and Copeland:

Janice O'Neil
Childrens Services
Blencathra House
PO Box 110
Whitehaven.
Cumbria.
CA28 0BN
janice.oneil@cumbria.gov.uk
01946 505558

Carlisle Area:

Isobel Graham
Children's Services
3 Alfred Street Noirth
Carlisle.
Cumbria
CA1 1PX
isobel.graham@cumbria.gov.uk
01228 227028

Furness Area:

Paula West
Nan Tait Centre
Barrow-in-Furness
Cumbria
LA14 1LG
paula.west@cumbria.gov.uk
01229 407418

Eden and South Lakeland:

Laura Fitzgerald
Busher House
Busher Walk
Kendal
Cumbria
LA9 4RQ
laura.fitzgerald@cumbria.gov.uk
01539 713375

Think long and hard about home education. It is both rewarding and a great responsibility that will demand a considerable commitment of your time and energy. Only you and your family can make this important decision but please do talk to Children's Services and other families with experience of home education. At the end of the day we all have our young people's best interests at heart.

Contact with the local representative of Education Otherwise can be made through the address in the Appendices.

If at any point your youngster enters or returns to school please complete *Notification of Return to School* (Form HE6), which can be found at the back of this booklet or contact either of the people whose names and details appear on page 3.

The role of Children's Services in Cumbria

It may come to the attention of Children's Services from a variety of sources that a young person may be being educated at home. If so, Children's Services will make informal enquiries of parents and carers.

Children's Services have a statutory responsibility to ensure that all children have access to universal services and must act if it appears that children of compulsory school age in its area are not being suitably educated. It is also responsible for the provision of sufficient school places for those who might require them, and for the enforcement of regular attendance when children are registered at a school, all of which make it important that Children's Services are aware of all children of compulsory school age in the area.

The General Adviser Role

If you are educating a child other than by regular attendance at school, Children's Services will arrange for a General Adviser from the Learning Improvement Service to make contact with you. Members of the Learning Improvement Service have a broad experience in education and have received additional training in elective home education. Their role is to advise Children's Services about the suitability of the home education you are providing. To help them do so, they will ask you for information

about your provision. While home educators are not legally obliged to provide this information, the courts have advised that it would be “*sensible*” for them to do so and if the parent or carer refuses to answer, having been “*allowed a sufficient time to set in motion their arrangements for home education*”, the court has said that the authority could conclude that the parents or carers are in breach of their duty.

The preferred method of making contact is for the authority’s representative to visit you at home and to meet both you and your child(ren). Children’s Services believe that open, face-to-face discussion is the best way of building a useful relationship. However, this cannot be insisted on and information will be accepted in any form that allows Children’s Services to form an opinion about your provision.

Children’s Services will provide you with a brief written report of its view, which will be discussed with you beforehand. It is reassuring to note that in all but a few circumstances no cause for concern is found about the education being provided.

Children’s Services will also suggest a date to contact you again to discuss your child(ren)’s progress. The law is unclear about how often enquiries might be made of home educators but most families are contacted annually. If a child has a Statement of Special Educational Needs or if any concerns exist about the child’s education, you may be contacted more frequently.

Where there is a relationship between home educators and the authority that has established over time that there are no concerns about the provision, it may be sufficient for home educators to report that home education is continuing. However, the authority would always welcome close personal contact.

Children’s Services is not there to tell you how to educate your youngster or to promote registration at school. It is simply trying to establish that there are no concerns that a child is not receiving a full time education suitable to his or her age, ability and aptitude. The General Adviser from the Learning Improvement Service will be only too pleased to answer any questions or requests for advice during their contact with you. Parents, carers and young people who do meet the authority’s staff say they find it helpful and reassuring.

If you do decide to begin home educating it is understood that you will need to establish a pattern of provision. It is unlikely that the authority's representative would contact you within 2 months.

On what will the General Adviser view be based?

As stated earlier, the law allows home educators great diversity in how they educate their child(ren) and Children's Services fully respects that. Unfortunately much of the legislation is poorly defined and even the respected educational theories and ideologies vary considerably. This does present authorities with a difficulty. While having a very clear statutory duty to act if it appears that children are not being suitably educated, there is little to tell it what criteria to apply. That inevitably creates situations where differences of view and interpretation can arise. To keep these to a minimum, Children's Services refers to the legal precedents from the higher courts in helping it to form an impartial and objective view.

Cumbria Children's Services believes that:

1. Education should enable young people to develop their full potential.
2. To be efficient, education should have some recognisable plan, method or approach, that is to say it should be clear and systematic in what it sets out to achieve, and what it actually does achieve.
3. Suitable education is a range of skills, experiences and knowledge that young people need to prepare them for life in the community of which they are a part and the wider modern society.

Children's Services believe that there should be a variety of learning opportunities available to children. A flexible approach to options, resources and support may be needed at different times to enable young people to develop their potential. Parents and carers should develop clear aims with their children, and there should be means of reviewing progress.

Home educating parents are not required to:

- have premises equipped to any particular standard
- set hours during which education will take place
- cover the same syllabus as any school
- teach the National Curriculum

- make detailed plans in advance
- observe school hours, days or terms
- have a time-table
- give formal lessons
- reproduce school type peer group socialisation
- match school, age-specific standards

When you are asked for information about your child(ren)'s education, the authority would always prefer to meet with you. However, if you do not wish to meet either at your home or any other mutually convenient venue, information can be provided in any way that allows the authority to reach a conclusion about your provision, for example:

- Reports and diaries
- Examples of work
- Plans and programmes of work
- Testimonials
- Evidence of achievements and progress made

What happens if Children's Services are concerned about the education being provided at home?

You would be told in a report what Children's Services is concerned about and why. Wherever possible you will have been informed of this beforehand, and ways in which the provision can be improved will have been discussed with you.

You will be told what the authority believes needs to happen to address any concerns. The authority may be able to suggest other services which may be useful to you and your child or may suggest asking other people for advice. The report will contain specific recommendations which would ensure that your child(ren) receive a suitable education. It will also suggest timescales and arrangements for future contact to ensure progress has been made.

If progress has not been made in providing a suitable education the authority may conclude that a young person is not being suitably educated, and will refer the matter on to the Children's Services Children Missing Education Officer.

The role of Children's Services

In Cumbria the Children's Service is responsible for the authority's statutory duty to ensure that young people of compulsory school age are enrolled at a school and attend regularly if they are not being suitably educated '*otherwise*'. The Children Missing Education Officer will contact you and wherever possible seek an informal resolution to concerns. Children Missing Education Officers will be aware of additional sources of support in your area, and are able to work more closely with you than the General Adviser.

If this does not resolve concerns the authority will write a formal notice to you, giving you 15 days to satisfy it that your child is being suitably educated. If you do not respond or if your response is not satisfactory, the authority can serve a School Attendance Order on you requiring you to register your child at a named school. The process for young people with statements of SEN is different as a school is named in the statement.

Failure to comply with a School Attendance Order and/or failure to ensure your child attends their registered school regularly could lead to you being prosecuted for a criminal offence.

Throughout this process any parent or carer would always have the opportunity to avoid any legal proceedings by satisfying the authority that they are providing a suitable education. These formal proceedings are a rare event and will only happen if the authority has to conclude that you are not educating your child according to the requirements of the 1996 Education Act or their needs as set out in a Statement of Special Educational Needs.

Children Missing Education Officers may also contact you or be helpful to you in other circumstances, such as if you wish to seek a return to school for your child(ren), or if you are considering elective home education because of unresolved difficulties or disputes at school.

Child welfare

Local authorities have a duty to promote and safeguard the welfare of all young people.

It is a sad and disturbing fact that a small number of people in our society abuse children and young people. It is also unfortunately true that some of those people will get access to the young people they abuse through their employment and they are very expert at concealing their intentions and their acts. All adults who work with children and young people should now have checks made about them with the Criminal Records Bureau before they can be employed.

Although this gives no absolute guarantees, it does provide an additional safeguard that the people who are entrusted with the welfare and safety of children and young people do not present any known risk to them. Parents are responsible for the safety of their children at all times, and while not wishing to raise undue alarm, it is recommended that anyone who you engage to help in your child(ren)'s education who has not been subject to a recent check, should complete the declaration form attached to this booklet (HE5).

Children's Services will have the necessary checks made free of charge for one person.

While education law is primarily written in terms of the rights of parents and carers, the 2004 Children Act is clear in its expectation that children and young people will be involved in decisions about them, and that age appropriate weight will be given to their views. Where they are of sufficient age and understanding it is important that they should have given informed consent to decisions affecting their health, education and welfare.

Confidentiality and Data Protection

Cumbria County Council abides by the Data Protection Act and the Human Rights Act, and Children's Services respects your right to confidentiality. Information about you or your child(ren) can only be shared outside of the personnel named in this booklet if you have given informed consent. Information can only be shared without your consent in exceptional circumstances and where there are statutory grounds to do so, for example to prevent serious harm or to detect or prevent crime.

What if I feel the authority has acted unreasonably

If you are unhappy about any aspect of the communication or contact with you, please let the authority know and all efforts will be made to resolve your concerns. Please use the names and addresses in this booklet. Alternatively you may write to the:

**Corporate Director,
Children's Services
5 Portland Square
Carlisle CA1 1PU**

If parents or guardians continue to feel that the authority has acted unreasonably in relation to home-educated young people they can appeal to the Secretary of State for Education under Section 68 or 69 of the 1944 Education Act or to the Ombudsman.

The Legal Framework

In England and Wales the main legislation relating to home education is the 1996 Education Act. Section 7 of this act imposes a duty on parents and carers:

“the parent of every child of compulsory school age shall cause him to receive efficient full time education suitable to:

- a) his age, ability and aptitude, and*
- b) any special educational needs he may have,*

either by regular attendance at school or otherwise.”

What is ‘compulsory school age’?

A child reaches compulsory school age on the 1st January, 1st April or 1st September immediately following their fifth birthday. They cease to be of compulsory school age on the last Friday in June of the school year in which they reach 16 years of age.

Who is a ‘parent’?

In education law ‘parent’ is defined so as to include natural parents as well as anyone who has parental responsibility as defined by the 1989 Children Act, or who has care of a child. There may be people other than natural parents who have responsibility for, and are entitled to be consulted about a child’s education.

What is ‘full time education’?

There is no legally specified amount of time a young person must spend in education. Pupils in school spend between 21.5 and 25 hours per week plus homework. In relation to home education it could be taken to mean that the main focus of the child’s day should be age appropriate formal and informal learning.

What is ‘efficient’ and ‘suitable’ education?

These words are not defined in the Education Act. However, the courts have established that education occurs through systematic instruction and that it is efficient

if it achieves that which it sets out to achieve and prepares young people for life in the community of which they are a part.

The courts have also said that education is suitable if, and only if it prepares young people for life in wider society and enables them to achieve their full potential.

Home education need not be the same as that provided in schools, nor need it follow any hypothetical standard set by local authorities or governments, but it must enable children to learn and develop according to their age, ability and aptitude.

Children's Services responsibilities

There is a duty under Section 437(1) of the 1996 Education Act, which 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."

If Children's Services conclude that a child is not being suitably educated a School Attendance Order can be served requiring a parent to register their child at a school named in the order. If the child is not registered or fails to attend regularly, parents and carers can be prosecuted for a criminal offence under the 1996 Education Act, carrying a maximum penalty of £1,000 per parent per child. This offence can also lead to a Parenting Order being made under the 1998 Crime and Disorder Act. If the parent continues to fail to secure the child's attendance without reasonable cause the maximum penalty rises to £2,500 and/or 3 months imprisonment.

Clearly it is better for everyone if parents, carers and Children's Services can work together without recourse to these measures and it is a very rare occasion when they are used in Cumbria. Any concerns can usually be resolved through the mutual understanding that comes through open and respectful communication. Parents and carers should be aware, though, that Cumbria County Council as a whole takes its responsibilities towards all of our young people very seriously and will take any action it believes is necessary to safeguard their welfare.

National and regional organisations

The organisations listed below are only a sample of the available resources. Please note that Cumbria County Council carries no responsibility for the content or quality of the materials or resources from the listed organisations or websites noted here. It is for home educators to judge the suitability and quality of all the materials.

Education Otherwise

PO Box 7420
London, N9 9SG
7300074

<http://www.education-otherwise.org>

Help line: 0870

Largest UK membership organisation which provides support and information for families whose children are being educated at home. General information and contacts for local support groups.

Home Education Advisory Service

P.O. Box 98
Welwyn Garden City
Herts, AL8 6AN

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

Phone/Fax: +44 (0)1707 371854

HEAS is a support group which offers information for home educators including advice about educational materials, resources, GCSE examinations, special educational needs, information technology, and legal matters.

Cumbria Otherwise

<http://www.communigate.co.uk/lakes/cumbriahomeed>

Basic information about elective home education and local detail for families in Cumbria.

Free Range Education

<http://www.free-range-education.org.uk/>

Resources, links, information, legal help and an e-mail support service.

Home Education

<http://www.home-education.org.uk/>

Legal guidelines, mailing lists, chat, articles, events calendar, research questionnaire, FAQs, support group listings, Northern Ireland section, scrapbook, games, quizzes and other resources.

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.

NorthStar UK<http://www.northstaruk.org/>

A UK-based organisation providing online learning for children aged 11-16.

Home Education in the UK<http://geocities.com/sueincyprus>

Information and resources for anyone interested in home education in Britain. Many articles about different aspects of education at home, ideas, and books.

Choice In Education<http://www.choiceineducation.org.uk/>

Independent home education magazine. Provides legal guidelines for UK home educators.

Freedom-in-education<http://www.freedom-in-education.co.uk/>

Articles and news about alternatives to school-based education, eg Montessori, Rudolph Steiner and the Waldorf method, with emphasis on education at home.

Christian Home Education<http://www.homeschool.co.uk/>

Tips and resources for Christian home schooling.

Muddle Puddle<http://www.muddlepuddle.co.uk/>

Home education resources and ideas for parents with younger children.

Educational Heretics<http://edheretics.gn.apc.org>

Articles and books about home-education and alternative learning systems.

Spearheadwww.advice-spearhead.org.uk

Special education at home. Advice and information on special needs and disabilities.

Friends, Families and Travellerswww.gypsy-traveller.org/education/

Tel: 01273 234777

(FFT) is an advice, information and training organisation providing a range of services, including educational advice, to all Travellers – whether traditional, new, settled or on the road.

The Travellers' School Charitable Trustwww.travellersschool.plus.com/

The Trust exists to support Travellers and their children to access opportunity, freedoms and choice, through education.

The National Association of Traveller Teachers

www.natt.org.uk

Tel: 01726 7713

NATT works to promote and improve the education of Travellers. They provide a national list of educational contacts for Travelling families.

Connexions

The South Range
Hackthorpe Hall Business Centre
Hackthorpe
Penrith CA10 2HX

Phone: 01931 711300

Support and advice on education, training and careers for all young people throughout Cumbria of 13 years and older. Please phone the number above for your nearest office.

Department for Education

www.dfe.gov.uk

Home Education contact: Enquiry Point 1

Phone: 020 7925 7393
020 7925 3060

Government department responsible for education and a host of other matters relating to young people.