



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

Pupils Electively Educated at Home Policy 2024-2027

**‘Llwyddiant i bob plentyn – Success for every
child’**

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Pupils Electively Educated at Home **2024-27**

Policy for Merthyr Tydfil County Borough Council

- The Local Authority's position on EHE is in line with that of the Welsh Government (Statutory Guidance May 2023, rev. Oct 2023) and UNCRC (particularly articles 2, 3, 6 and 12) in that a suitable education aims to ensure that the child is able to develop the skills to participate and function in society.
- In Wales, education is compulsory but attending school is not. If a child is home educated, there is an obligation on parents to provide their child with an 'efficient' and 'suitable' full-time education – this obligation is set out in section 7 of the Education Act 1996:

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

- *to his/her age, ability and aptitude, and*
 - *to any special educational needs he/she may have,*
 - *Either by regular attendance at school or otherwise"*
- Parents who decide to home educate their children must be prepared to assume full responsibility including any financial implications.

Responsibilities of Parents

- Parents are wholly responsible for the education of the children, whether that be at school or elsewhere.
- Parents have a right to educate their children at home (Section 7 of the Education Act 1996).
- Parents may elect to home educate at any stage up to the end of compulsory school age (the last Friday in June of the academic year in which the pupils turns 16 – Yr11).
- Elective Home Education (EHE) is a personal decision that schools should not be influencing or suggesting as a solution to attendance, behaviour or bullying problems, or as an alternative education pathway.
- Parents are not required to register or seek approval from the local authority to educate their children at home (except children on roll at a special school), however, they are required to give written notification of their intention to home educate to the school so that their child can be removed from the school roll.

- If a child is registered at a school as a result of a school attendance order the parents must get the order revoked by the local authority by providing evidence of a suitable education before the child can be de-registered.
- Parents must be prepared to assume full financial responsibility, including any costs incurred for pupil examinations.
- Parents must ensure their child receives suitable full-time education for as long as they are being educated at home.

Efficient and suitable education

- Parents are required to provide an efficient, full-time education suitable to the age and ability of the child.
- The term “efficient” refers to an education that achieves what it sets out to achieve.
- The approach home educating parents take to ensure their child is receiving a “suitable” education is likely to be dictated by their own philosophy or views, and in many cases, the absence of formal assessment may be a feature of the education provision. Progress, over the long term, may take a variety of forms.
- There is currently no legal definition of ‘full-time’. Children normally attend lessons between 22 and 25 hours a week for 38 weeks of the year, but this measurement of ‘contact time’ is not strictly relevant to elective home education where there is sometimes continuous one-to-one contact and education may take place outside normal ‘school hours’. Learning can take place in a range of locations, including the home. As with schools, it can also be supplemented through other experiences such as visits to places of interest and facilities such as libraries, museums and galleries. A feature of home education is the ability to be flexible and adapt to events and circumstances on a daily basis.

Suggested characteristics of a suitable and efficient education

- The Local Authority’s position on EHE is in line with that of the Welsh Government and UNCRC (particularly articles 2, 3, 6 and 12) in that a suitable education aims to ensure that the child is able to develop the skills to participate and function in society.
- Regardless of the approach taken to deliver a suitable education, it is important for all to consider whether the approach implemented is suited to the needs of the individual child which means efficient education suitable to the child's age, ability and aptitude and to any ALN the child may have.
- Home educating parents should provide education that offers opportunities for the child to develop their physical, intellectual, emotional, spiritual, moral, social and cultural development. It would include provision in numeracy, literacy and language skills, suitable to the child's age, ability and aptitude and

to any ALN the child may have, including meeting the requirements of an IDP where one exists.

- Suitable education should involve opportunities to develop social skills in the child's interactions with others. These are essential in preparing the child to participate and function in society.
- Some possible characteristics that a suitable education may provide, develop or include:
 - Language, literacy and numeracy skills
 - Consistent involvement of parents or other significant carers
 - Responding to the needs and the best interest of the child, taking into account areas of learning that interest the child, and should enhance the child's potential
 - Ensuring the child has opportunities to engage in a reasonably broad range of learning experiences
 - Providing opportunities to develop personal and social skills to help prepare them for later life and become engaged citizens
 - Ensuring the child has opportunities to develop basic skills as outlined in Welsh Government guidance (taking into consideration any ALN they have)
 - A philosophy or ethos with parents showing commitment, enthusiasm, and recognition of the child's needs, attitudes and aspirations
 - Opportunities for the child to be stimulated by their learning experiences
 - Involvement in a broad spectrum of learning opportunities and activities appropriate to the child's stage of development
 - Access to appropriate resources and materials
 - Opportunities to develop digital literacy
 - Opportunities for an appropriate level of physical activity and play
 - Opportunities to interact with other children and adults.
- Information and advice on all aspects of EHE can be found in the Welsh Government Handbook for Home Educating Parents [Home education: handbook for home educators \[HTML\] | GOV.WALES](#)

Pupils in Special Schools

- If the pupil is registered at a special school, and parents wish to home educate, they are required to write to the school stating that they wish to educate their child otherwise than at school. The school will inform the local authority of the parents' wishes but **will not remove** the child's name from the register until agreement is received from the LA. (Education (Pupil Registration) Regulation 9(2), 1995); (Amended, Wales, 2001/1109). This regulation is to enable LAs to maintain continuity in their responsibility for pupils with Special Educational Needs.

Pupils with ALN

- **The LA's statutory duty to undertake an Annual Review of a pupil's Additional Learning Needs remains.**

If the pupil has an IDP or Statement, the LA will continue to hold an annual review for the duration of the IDP or statement, which will include reviewing whether the wording of the plan is still appropriate and whether it needs to remain in place. The LA will need to ensure that the pupil's ALN needs are being suitably met by the EHE provision.

Responsibilities of the School

- When schools become aware that parents may be considering elective home education it is good practice to meet with parents to discuss the reasons for their decision and notify the local authority.
- Parents/carers **MUST** notify the Headl in writing of their wish to home educate their child and the reason for this. The notification must include the child's full name, date of birth and reason for removal from school register. If a child is registered at a school their name cannot be removed from the school roll unless the school receives written notification that the child is to be home-educated.
- When school receives the notice in writing that parents wish to educate their child at home, the name of the child must be removed from the admissions register (Regulation 8(1) (d) Education (Pupil Registration) (Wales) Regulations 2010).
- School (including those in the independent sector) **MUST** send the parent's written consent to the local authority within 10 school days following the date of removal (regulation 12(3)).
- If legal proceedings are already in process that relate to irregular attendance at school parents should be advised that removal from the school roll may not prevent the process from continuing.
- **On no account should parents be encouraged to remove their child from the school register to avoid exclusion or prosecution for failing to ensure that their child has attended school.** It would be good practice for the school to try to meet with the parent/carer prior to removing the child from the school roll in order to ascertain a clear understanding of the reason for choosing to electively home educate their child.

Responsibilities of the LA

- Under section 436A of the Education Act 1996, the LA must make arrangements to identify children in their area who are of compulsory school age and not receiving a suitable education.

- The LA has a duty to keep a register of pupils who are electively home educated at. All pupils are also registered on the LA's Children Missing Education (CME) database until such a time as the LA can be satisfied that a suitable education is in place.
- The LA will routinely analyse the reasons why parents choose to home-educate. This will help to identify any patterns or themes regarding parents' reasons for home-educating. In analysing the reasons, it is hoped that the LA will not only better understand home education but be in a better position to develop and implement measures to encourage and support families to keep their children in school.
- In order to satisfy itself that the education received at home is suitable, the LA will implement the following procedures:
 - Make contact with the family within 20 school days of the pupil being removed from school register to arrange a meeting with the parent(s)/carer and pupil. This may take place at the family home or another agreed venue.
 - Contact the pupil's previous school to gain information about the pupil's progress and ability.
 - Where necessary, seek advice and information from other agencies that have been involved with the pupil e.g. the Education Welfare Service, Social Services and Educational Psychology Service.
 - If appropriate to do so, send a pre-meeting questionnaire before meeting the home educating families for parents and, where appropriate, for children to fill out together. This will form part of a more holistic approach to assessing the suitability of education. The LA can use the response to the questionnaire to inform their discussion with home educating parents and children.
- A meeting will be offered every six months and at least once a year to ensure the suitability of education is maintained and that the child is considered to be making suitable progress. The frequency of meetings with home educating families will be undertaken proportionately and based on the individual circumstances of each child. Should there be concerns regarding the quality of provision, visits may be increased, by mutual agreement, to allow the EHE Lead Officer and parents to discuss ways of making improvements.
- As part of these meetings, the LA will expect to see examples of learning, to determine the suitability of the education provided. A variety of work, both complete and incomplete to varying standards, can be sought and discussed with the parents and child to learn about the child's experience of learning. This all reflects learning and progress made by the child.
- Ensure that parent(s)/carer are aware that if they choose to home-educate, they assume financial responsibility for their child's education, including the cost of public examinations and that the child must continue to receive suitable

education until the end of 'compulsory education' (i.e. the last Friday in June in the academic year in which they reach age 16).

- The EHE Lead Officer will keep records of visits made and documentation received and should prepare a report no later than 10 days after meeting with the family. The report should outline if the provision is suitable or unsuitable, and the reasons behind the assessment of that provision. Parents should be given an opportunity to discuss the report with the local authority and to have any factual inaccuracies corrected quickly.
- In the event of there being concerns regarding Child Protection, the Authority's usual protocols will be followed and the Child Protection Officer will be informed.
- Home visits will usually be conducted by two officers. The EHE Lead Officer may occasionally be accompanied by officers from other service areas if deemed appropriate.
- After three unsuccessful attempts to engage with the family the LA will take action as outlined below.

Monitoring Arrangements

- Parents/carers may choose not to meet with the LA. However, it is their responsibility to ensure that the child is receiving a suitable education. In the absence of a meeting with parents/carers and the child it is difficult for the LA to determine whether that education is suitable, and the LA must take action.
- If it appears that parents are not providing a suitable education the LA has powers under Section 437(1) of the Education Act 1996 to intervene. 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."*
- If the LA considers that a suitable education is not being provided, then a written report of the findings will be made and copied to the parents within 10 days of the contact with the designated local authority officer. The report will specify any reasons for concluding that provision is unsuitable. Parents will be given a reasonable opportunity to address the identified concerns and report back to the authority.
- The LA will make all reasonable efforts to provide help and/or support to the family. This may include providing parents with information about preventative services and where appropriate gaining parental consent for a referral to those preventative services available locally. This is an offer of support, and the parents are under no obligation to accept it.

- If the LA has continued concerns about the suitability of education, it may decide to see the family on a more frequent basis to assure itself that the child is receiving a suitable education.
- The LA may need to liaise with other relevant partners of the local authority dependent upon the circumstances of the child. If parents fail to address concerns the local authority is required to consider sending a formal notice to the parents under section 437 Education Act 1996 before moving on, if needed, to the issuing of a school attendance order. A school attendance order will only be served after all reasonable steps have been taken to try to resolve the situation. (See School Attendance Order flow chart, Appendix A).

School attendance orders (SAO)

- If it appears to a local authority that a child is not receiving a suitable education they **must** serve a notice in writing on the parent requiring that parent satisfy them within the period specified in the notice (no less than 15 days), that the child is receiving such education. If the local authority is not satisfied, or in the absence of that information then they **must** issue the parent with a School Attendance Order (SAO) in respect of that child, which details the school the child should attend. A process chart can be found at **appendix A**
- At any stage of the SAO process, parents may present evidence to the LA that they are now providing an appropriate education and apply to have the order revoked.
- SAO action will be taken after the third unsuccessful attempt to make contact or engage with the parent/carers. A Child Missing Education (CME) referral will also be made to the Education Welfare Service.

Education supervision orders (ESO)

- Under section 447, Education Act 1996 if a parent fails to comply with a SAO a local authority **must** consider whether it would be appropriate (instead of or as well as instituting the proceedings) to apply for an education supervision order (ESO) in respect of the child. Failure to comply with a SAO could lead to either a criminal conviction or the imposition of an ESO or both.

Traveller Families

- The LA is sensitive to the distinct culture, ethos and needs of its Gypsy, Roma and Traveller (GRT) community. The special position of Traveller families is also recognised in law (section 444(6), Education Act 1996). Traveller parent(s)/carers are protected from conviction if the parent(s)/carer can demonstrate that:
- The parent is engaged in a trade or business of such a nature as requires travel from place to place;
- The child has attended at a school as a registered pupil as regularly as the nature of that trade or business permits;

- The child, where aged six or over, has attended school for at least 200 sessions (half days) during the preceding twelve months.
- GRT parents have the same right to educate their children at home as other families and will be treated in exactly the same way as any other families. The LA will take a broad and holistic view of the education being provided with reference to the GRT community's culture and lifestyle, when considering the suitability of the education. The LA will therefore seek to positively assist traveller families (in the same way as other families) who do not appear to be providing a suitable education for their children, before taking action.

Child Employment

- Regulations regarding child employment apply to all children of compulsory school age, whether they attend a school or are home educated. Children cannot work until they reach the age of 13 years and even then, they cannot work during school hours. Before a child commences any form of employment, they must be in possession of a work permit, which the child's employer should apply for.
- Turning 16 or receiving notification of a National Insurance number does not signify the end of compulsory education. Children are required by law to receive a full time education until the end of their compulsory education, which is the last Friday in June of the academic year in which they turn 16 (National Curriculum Year 11).

Complaints Procedure

- In the event of parents/carers having concerns or wishing to register a complaint, they should, in the first instance, contact the EHE Lead Officer, who will try to resolve any issues. If a parent/carer is dissatisfied with the advice offered or is in dispute with the EHE Lead Officer, complaints should be made via the LA complaints procedures.

Contacts

- Elective Home Education Manager- Schools Department
People and Performance Directorate
Civic Centre
Castle Street
Merthyr Tydfil
CF48 8AN
01685 725000
merthyrhomeed@merthyr.gov.uk

Additional Advice:

- Butterworth's Education Law Manual [BELM *issue 0* Page A/476-A484]
<http://www.butterworths.co.uk>
- Inclusion and Pupil Support
National Assembly for Wales Circular 47/2016
www.wales.gov.uk/inclusionandpupilsupport
- Welsh Government Statutory Guidance on Elective Home Education (Oct 2023)
[Elective Home Education Guidance \(gov.wales\)](http://www.gov.wales/elective-home-education-guidance)
- Welsh Government Additional Learning Needs Code 2021
[The Additional Learning Needs Code for Wales 2021 \(gov.wales\)](http://www.gov.wales/the-additional-learning-needs-code-for-wales-2021)

Parent Support Groups:

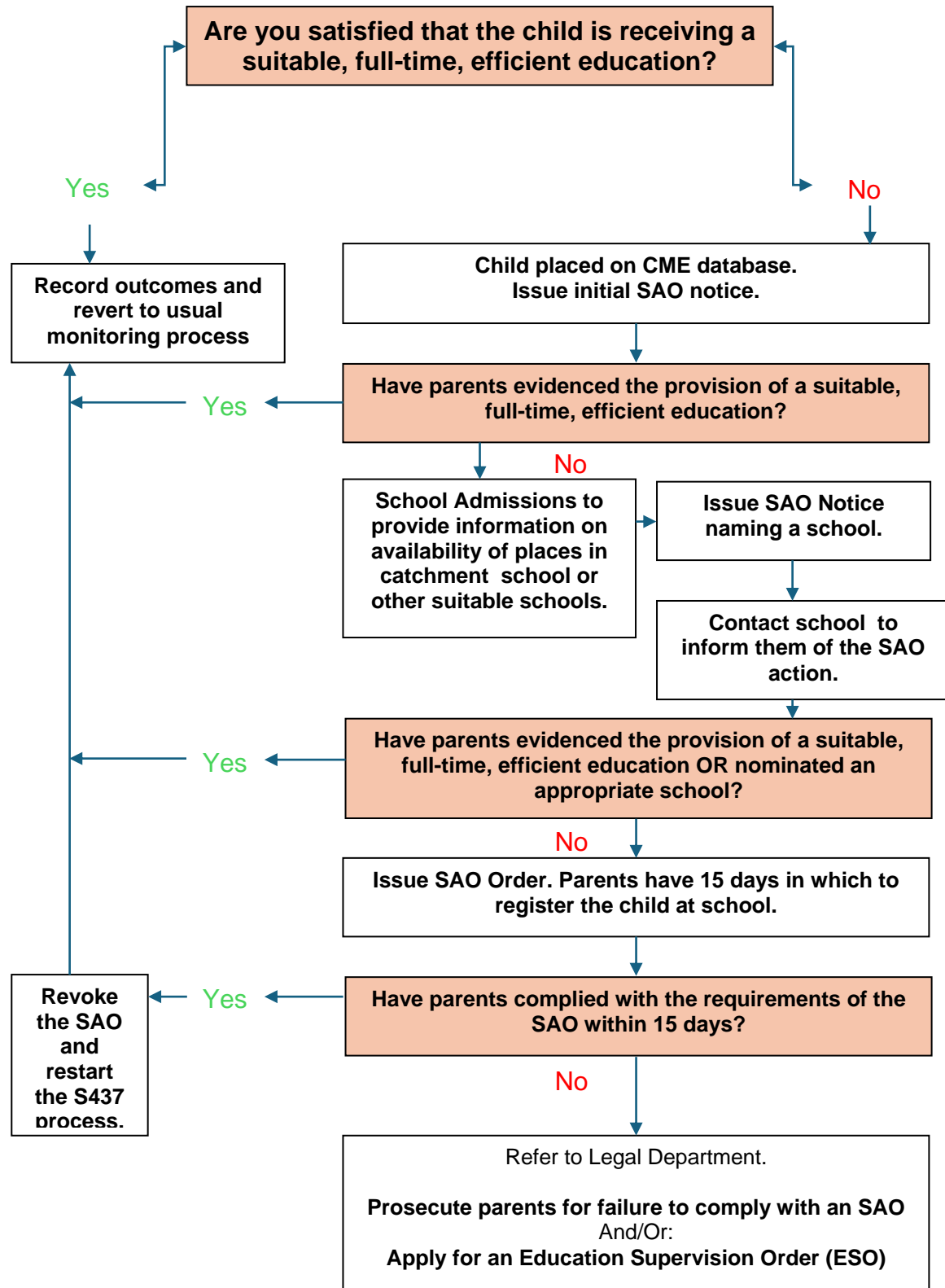
- Advisory Centre for Education (ACE)
1b Aberdeen Studios
22/24 Highbury Grove
London N5 2DQ
Tel: 0207 3548321
www.ace-ed.org.uk
- Christian Home School
www.homeschool.co.uk
- Education Otherwise Association Limited
PO Box 7420
London N9 9SG
Tel: 0870 7300074
www.education-otherwise.org
- Home Education Advisory Service
PO Box 98,
Welwyn Garden City,
Herts. AL8 6AN
Tel: 01707 371854
www.heas.org.uk
- Home Education UK
www.home-education.org.uk
- Home Education Resources
www.home-education-resources.co.uk
- Muddle Puddle
(An independent site focusing on learning for 0-8 year olds)
www.muddlepuddle.co.uk

- The Home Service
(A national Christian home education group)
www.home-service.org
- Careers Wales
www.careerswales.com
- Ed Yourself
www.edyourself.org
- Education Begins at home
www.facebook.com/beginsathome
- Friends, Families and Travellers
www.gypsy-traveller.org/education
- Learning Wales
www.gov.wales/learning
- TSO
www.tso.co.uk
- Welsh Government
www.gov.wales

Appendix A: School Attendance Order and Education Supervision Order Process Flowchart

To be read in conjunction with WG Statutory Guidance (May 2023 rev. Oct 2023).

School Attendance Order



Education Supervision Order

