



Cyngor Bwrdeistref Sirol  
**MERTHYR TUDFUL**  
**MERTHYR TYDFIL**  
County Borough Council

# **Pupils Electively Educated at Home Policy 2020-2023**

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

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**Pupils Electively Educated at Home**  
**2020-23**

**Policy for Merthyr Tydfil County Borough Council**

The right of parents to home educate their children

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.

The definition of suitable and efficient education is set out in section 7 of the Education Act 1996 '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'.

Parents who decide to home educate their children must be prepared to assume full responsibility and this may have financial implications.

**Legal Responsibilities**

**1. Parental/Carer Responsibilities**

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

*(a) to his/her age, ability and aptitude, and*

*(b) to any special educational needs he/she may have,*

*Either by regular attendance at school or otherwise"*

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

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

However, if the pupil has a Statement of Educational Needs and is registered at a special school, 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 local authority.

**(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, rather than to be a hindrance to these pupils being educated at home.

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

The Annual Review should assess whether the statement is still appropriate and make any necessary alterations. Should it be required that the statement is to be maintained, the parent(s)/carer will

continue to have responsibility for the education and additional needs that are to be provided. The LA has a legal duty to ensure that the child's needs are met.

## 2. Responsibilities of the School

Schools should request written notification from the parent/carer of their wish to home educate their child and the reason for this. When the 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). The school (including those in the independent sector) must make a return (giving the child's name, Dob, address, reason for requesting EHE and any ALN) to the local authority within 10 school days following the date of removal (regulation 12(3)).

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. 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.

## 3. Responsibilities of the LA

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

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

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, either by telephone or in writing, to arrange a meeting with the parent(s)/carer and pupil. This may take place at the family home or another agreed venue.  
If the parent(s)/carer do not respond to the Advisory Teacher's efforts to make contact, a joint initial visit will be made to the home with an Educational Welfare Officer.
- The frequency of meetings with home educating families should be undertaken proportionately and based on the individual circumstances of each child. A meeting **should take place at least once a year** to ensure the suitability of education is maintained and that the child is considered to be making suitable progress.
- 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 Child Psychology Service.

- A local authority could – if it thought appropriate to do so – send a pre-meeting questionnaire before meeting 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 local authority can use the response to the questionnaire to inform their discussion with home educating parents and children. (Appendix 1)
- As part of these meetings, the local authority should ask 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).

Should there be concerns regarding the quality of provision, visits may be increased, by mutual agreement, to allow the Advisory Teacher and parents to discuss ways of making improvements.

- The Advisory Teacher will keep records of visits made and documentation received 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. (Appendix 2)
- Any individual cases that are causing concern will be brought to the attention of the LA's Clearing Group. The Advisory Teacher will present information and evidence to the panel in order to be suitably advised regarding future action.  
If the Clearing Group decides that, despite numerous visits and advice having been offered, the pupil is not receiving suitable education, advice will be sought from the Legal Department before requesting the issue of Attendance Order 437.
- In the event of there being concerns regarding Child Protection, the Authority's Child Protection Officer will be informed, and advice taken accordingly.
- Should it be deemed unwise for the Advisory Teacher to make a home visit alone, the Senior Education Welfare Officer will be contacted in order to arrange a joint visit.

### **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.

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

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

### **Complaints Procedure**

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

### **Contacts**

Inclusion Manager- Schools Department  
People and Performance Directorate  
Unit 5 Pentrebach  
Merthyr Tydfil  
CF48 4TQ  
01685 725000  
[Education.welfareteam@merthyr.gov.uk](mailto:Education.welfareteam@merthyr.gov.uk)

Advisory Teacher with responsibility for Pupils Electively Educated at Home  
People and Performance Directorate  
Unit 5 Pentrebach  
Merthyr Tydfil  
CF48 4TQ  
01685 725000  
[Education.welfareteam@merthyr.gov.uk](mailto:Education.welfareteam@merthyr.gov.uk)

Senior Education Welfare Officer  
Schools Department  
People and Performance Directorate  
Unit 5 Pentrebach  
Merthyr Tydfil  
CF48 4TQ  
01685\_725000  
[Education.welfareteam@merthyr.gov.uk](mailto:Education.welfareteam@merthyr.gov.uk)

**Additional Advices:**

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

**Inclusion and Pupil Support**  
**National Assembly for Wales Circular 47/2016**  
[www.wales.gov.uk/inclusionandpupilsupport](http://www.wales.gov.uk/inclusionandpupilsupport)

**National Assembly for Wales 2018 (draft)**  
**Special Educational Needs Code of Practice for Wales**

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

**Parent Support Groups:**

**Advisory Centre for Education (ACE)**

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

**Christian Home School**  
[www.homeschool.co.uk](http://www.homeschool.co.uk)

**Education Otherwise Association Limited**

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

**Home Education Advisory Service**

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

**Home Education UK**  
[www.home-education.org.uk](http://www.home-education.org.uk)

**Home Education Resources**  
[www.home-education-resources.co.uk](http://www.home-education-resources.co.uk)

**Muddle Puddle**  
**(An independent site focusing on learning for 0-8 year olds)**  
[www.muddlepuddle.co.uk](http://www.muddlepuddle.co.uk)

**The Home Service**  
**(A national Christian home education group)**  
[www.home-service.org](http://www.home-service.org)

**Careers Wales**

[www.careerswales.com](http://www.careerswales.com)

**Ed Yourself**

[www.edyourself.org](http://www.edyourself.org)

**Education Begins at home**

[www.facebook.com/beginsathome](https://www.facebook.com/beginsathome)

**Friends, Families and Travellers**

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

**Learning Wales**

[www.gov.wales/learning](http://www.gov.wales/learning)

**TSO**

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

**Welsh Government**

[www.gov.wales](http://www.gov.wales)

**Hwb**

<https://hwb.gov.wales/>



**Appendix 1**

**Pre-meeting questionnaire**

**Elective Home Education – Pre-visit questionnaire**

Before responding to the areas in this form, *The Education Welfare Service*, acknowledge that you may still require a longer period to fully plan and implement your home education aspirations, so please feel free to provide responses to those areas that you feel confident to answer.

<b>Parent/carer* name</b>	
<b>Name of learner</b>	
<b>Age of learner</b>	
<b>Gender of learner</b>	
<b>Does your child have any special educational needs (SEN)?</b>	
<b>Previous schools attended (if any)</b>	
<b>Date Home Education commenced</b>	
<b>Reasons for Home Education</b>	
<b>Educational philosophy or approach</b>	
<b>Date</b>	
<i>Please summarise the learner's current knowledge and skills, how they have developed over time, and what they are aiming to learn next.</i>	
<b><u>Learner's Current Knowledge and Skills</u></b>	

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**Learner's Development and Progress**

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**Learner's Goals and how they will be achieved**

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**Environment**

*Where does the education your child receives take place?*

At home  Home educator groups  In libraries  Educational trips e.g. museums, castles etc.  Other

**Experiences**

*Please outline the opportunities for your child to learn from real-life experiences; the opportunities for your child to discuss personal, social and health issues; and the opportunities for your child to experience a broad range of activities such as music and art.*

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**Opportunities for physical activity and play**

**Interactions**

*Please outline the opportunities for your child to have social experiences with other children and make friends.*

**Resources**

*Please list some of the resources that you use to facilitate your child's learning e.g. online resources, educational workbooks, libraries or community facilities.*

*Are there any resources you would like access to?*

**Who provides the education/lessons for your child?**

Parent/Carer  Other family member(s)  Friends of the family

EHE groups  Privately employed tutor  Other

**If lessons are provided by anyone other than yourselves, are you aware of the Disclosure and Barring Service (DBS) checks that you could ask for evidence**

<b>of from tutors?      Yes <input type="checkbox"/>    No <input type="checkbox"/></b>
<b>Links with other organisations</b>
<b>Are you happy for us to contact you again, in line with the local authority policy document?</b> <b>Annual visit to assess suitability of education provision      Yes <input type="checkbox"/> No <input type="checkbox"/></b>

**Appendix 2**

**Local Authority Report**

**Local Authority Initial Visit Report**

**Date of Visit:** .....

<b>Parent/carer name</b>	
<b>Name of child/ren</b>	
<b>Date of birth of learner</b>	
<b>Gender of child/ren</b>	
<b>Was the child/ren seen?</b>	
<b>Any special educational needs (SEN) identified?</b>	
<b>Previous schools attended (if any)</b>	
<b>Date Home Education commenced</b>	
<b>Reasons for Home Education</b>	
<b>Educational philosophy or approach</b>	
<i>Summarise the learner's current knowledge and skills, how they have developed over time, and what they are aiming to learn next.</i>	
<b><u>Learner's Current Knowledge and Skills</u></b>	

<b>Plans and targets for educational development</b>	
<b>Plans and targets for social and physical activity</b>	
<b>Who provides the education/lessons for the child/ren?</b>  Parent/Carer <input type="checkbox"/> Other family member(s) <input type="checkbox"/> Friends of the family <input type="checkbox"/>  EHE groups <input type="checkbox"/> Privately employed tutor <input type="checkbox"/> Other <input type="checkbox"/>  If lessons are provided by anyone other than the parent have Disclosure and Barring Service (DBS) checks been carried out with tutors? Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>The views of the child</b>	
<b>Any further action?</b>	
<b>Next visit?</b> Annual visit to assess suitability of education provision Yes <input type="checkbox"/> No <input type="checkbox"/>	

