



28 February 2018

FREEDOM OF INFORMATION REQUEST – 208/18

Dear Sir/Madam

Your request for information has now been considered and the information requested is provided below.

Request & Response:

I am submitting this freedom of information request to find out the following information regarding elective home education. When I refer to 'children', I mean they are either de-registered from a school or have never been registered with a school. Please provide copies of all available documents, research and paperwork.

A) I would like to know which department within the local authority deals with elective home education?

Answer: Early Intervention SEND and Inclusion Team

1) I would like to know who is currently employed in this team, and who the team leader is.

Answer: Liz Odom - Inclusion Officer

2) I would like to know who they report to.

Answer: Christine Bellairs - Senior Practitioner SEND and Inclusion

3) What form of contact they use with families the first time they contact them.

Answer: By letter

i) Please supply copies of policies and procedures used for elective home education, for staff use or supplied to Home educators.

Answer: Please find attached

B) Has the LA made the team dealing with elective home education aware that there is no requirement to investigate a case or for the LA to seek to satisfy itself that a suitable education is being provided when they know the reason why a child has ceased to attend school? The specified reason being, parents have given legal notification to a school that they are educating otherwise than at school.

Answer: Yes

C) I would like to know how many children are currently known as being electively home educated in the local authority.

Answer: Zero

D) How many pupils have been de-registered from school to be electively home educated?

Answer: 2 pupils

Please provide numbers for: July 2015, July 2016 and July 2017.

Please categorise these into:

- Children with no known SEN

Answer:       2015 = 5  
                  2016 = 5  
                  2017 = In accordance with the Freedom of Information Act 2000 this email message acts as a Refusal Notice.

We can confirm that we hold the information however we are unable to supply it as we consider this information to be exempt due to the low number of individuals identified.

The Council is relying on Section 40(2) – personal information in that it believes the exemption applies because the information is personal information and we believe that disclosure would not be fair or lawful because it would breach the first data protection principle as outlined in Schedule 1 of the Data Protection Act 1998. We consider that these individuals would have a reasonable expectation of privacy.

- Children with SEN (with and without EHCPs).

Answer: Zero

- Children de-registered from special schools

Answer: Zero

- Children with care plans (break down into CIN, CPP and EHCP).

Answer: Zero

- Children under services such as; CAHMS

Answer: Information re CAHMS is not routinely collected

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been made and agreed, subject to any appropriate conditions. Any request to re-use the information should be made to me at the address below.

If you are dissatisfied with the handling of your request please contact the Head of Corporate Governance, Rutland County Council, Catmose, Oakham, Rutland LE15 6HP  
You can also complain to the Information Commissioner at:

The Information Commissioner's Office  
Wycliffe House, Water lane  
Wilmslow, Cheshire  
SK9 5AF  
Tel: 01625 545700

Yours faithfully

FOI Administrator  
Corporate Support Team, Rutland County Council



## **POLICY ON EDUCATION OF CHILDREN OTHERWISE THAN AT SCHOOL**

### **GUIDELINES FOR PARENT/CARER SEEKING TO EDUCATE "OTHERWISE" AND INFORMATION FOR HEADTEACHERS (Section 7 Education Act 1996)**

#### **1. INTRODUCTION**

These Guidelines are intended to:

- a) Provide a framework for parent/carer to prepare their written plans for the Local Authority.
- b) Offer some limited suggestions on the approach and content.
- c) Provide information for Headteachers.

Parent/carer should note that the LA is not in a position to provide detailed guidance and advice, nor can it supply or loan materials. Some suggested sources of help are listed at the end of this document.

2. In most cases parent/carer are happy with their children's education being provided by a school. Schools work to a common curriculum framework and are generally very successful in supporting the academic progress and personal development of children. Effective schools develop a good partnership with parent/carer. Occasionally, parent/carer prefer to arrange their child's education "Otherwise" than in school, usually providing their lessons at home. Parent/carer who educate their children at home may do so for a number of reasons, possibly based on firm convictions about education. These guidelines have been produced for those parent/carer, resident in Rutland who choose to educate their children otherwise than by attendance at school.

#### **3. WHAT THE LAW SAYS:**

A parent/carer is under a duty under Section 7 of the Education Act 1996 to cause their child to receive efficient full time education suitable to their age, ability and aptitude and to any special needs he/she may have, either by regular attendance at School or otherwise. In all cases of children being educated at home, the Local Authority (LA) must, in law, be satisfied that the educational provision is compatible with Section 7. Whilst this does not mean that the provision must be the same as in a school, the children must be able to make good academic progress and develop emotionally and socially. Where the LA is not satisfied, with the parent/carer duty, to provide suitable education the LA can prosecute and enforce a School Attendance Order for failure to ensure regular attendance at school.

The DCFS states: LAs, however, have no automatic right of access to the parent/carer's home. Parent/carer may refuse a meeting in the home and agree to a meeting at another venue.

Section 437 to 443 of the Education Act 1996 place a duty upon local authorities to take certain actions if it appears that a child is not being properly educated.

If it appears to a local 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/carer requiring him to satisfy them within the period specified in the notice that the child is receiving such education.  
(s 437(1))

The LA's legal duty is concerned solely with children who appear not to be receiving suitable education. There is no implication that an LA should be active where it appears that a child is receiving suitable education at home.

#### Home Educating Children with Special Educational Needs

The right to home educate a child with special educational needs (SEN) is stated in section 7 of the Education Act 1996: (see above)

The parent/carer 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 may have either by regular attendance at school or otherwise

However, where a child does have a statement of special educational needs and begins home education, the LA's statutory duty to undertake an annual review continues. This review includes assessing whether the statement is still appropriate and it may be possible to alter or even cease to maintain the statement depending on the child's current circumstances and the provision being made. Should it be necessary for the statement to remain in force, the parent/carer continue to have responsibility for the education provided; however, the LA has a legal duty to ensure that the child's needs are met. Should disagreement arise between parent/carer and the LA over the review of an assessment it may need to be resolved by the Special Educational Needs & Disability Tribunal, and the LA has a duty to inform the parent/carer of their right of appeal.

#### **4. HOW TO ARRANGE YOUR CHILD'S EDUCATION AT HOME**

An LA Officer will make an initial visit as soon as you have indicated your intention to educate your child otherwise than by attendance at school. We do suggest you study the Guidelines for parent/carer carefully. We will need you to complete a form by providing as much information as you can on:

- Who will educate the child and their qualifications;
- The programme being followed in English, Mathematics and other subjects;
- The time allocated to teaching different subjects and how this is organised into a daily and weekly pattern;
- The way by which progress is checked and recorded;
- The plans for recreational and social contact.

If the form is not completed the LA will request a meeting with parent/carer of the child.

An LA Officer will be assigned to consider the information you provide and, when your programme of education at home has been under way for a while, the Officer will arrange a visit to assess the education your child is receiving. When a visit takes place a report of the Officer's conclusions will be produced and a copy will be given to you.

#### **Summary of Key Steps**

- a) The parent/carer applies in writing to the LA to indicate an intention to educate "Otherwise" and completes *Form 1- (attached)*;
- b) The parent/carer informs the school where the child is on roll that an application has been submitted to the LA;
- c) The LA requests information from parent/carer;
- d) An LA Officer arranges a meeting with the parent/carer (either at home or at the LA Offices);
- e) The LA Officer produces a report following meeting;

- f) If application is agreed by the LA, the LA notifies parent/carer and requests school to take child's name off roll;
- g) If application is unsuccessful the report will indicate what is considered not suitable and what action is to be taken next;
- h) Further visits will be arranged to monitor child's progress and the implementation of the programme.

The Local Authority (LA) has a responsibility to be satisfied that reasonable education is being provided to children resident in Rutland who are being educated otherwise than by attendance at school

## 5. a) **THE LEARNING ENVIRONMENT**

It is not necessary to set up a classroom. However, it is a good idea to identify a suitable location for your child to work in which creates the right learning atmosphere. Space should be available for storage of books, equipment etc. You should also consider appropriate places where messy/practical work can be undertaken.

### b) **The Learning Routine**

#### i) **Time Allocation**

The time allocated to the child's education will depend upon their age but, as a general rule, a minimum of 3 hours of purposeful and planned educational activity should be arranged each school day during normal school terms. In addition there should be properly supervised individual work. You should consider the amount of time that it will be necessary for your child to be taught. The Department for Education and Skills has offered guidance to schools which indicates that teaching hours per week might be:

21	hours for 5 - 7 year olds
23.5	hours for 8 - 13 year olds
25	hours for 14 - 15 year olds

Schools maintained by an LA are open 38 weeks in the year.

- ii) It is a good idea to establish a routine and you should ensure each day has varied activities. This is especially important for younger children who cannot concentrate for too long.

#### iii) **Educational Content**

- a) The educational programme offered should be appropriate to the child's age, ability, aptitude and any special educational need.
- b) It is essential that a satisfactory programme is offered in English (particularly reading and writing) and in Mathematics and that appropriate and sufficient activities are possible.
- c) It is important that the Local Authority (LA) is satisfied that a broad, balanced, differentiated and relevant curriculum is offered.

**iv) What about compulsory subjects**

Subjects are **not** compulsory in that the National Curriculum applies only to schools. However, you will probably want to take account of the National Curriculum which specifies the following subjects:

- English
- Mathematics
- Science
- Design & Technology
- History and /or Geography
- Art/Music/Drama/Information Technology
- Physical Education
- Religious Education (where appropriate)
- A Foreign Language (at secondary level)
- Cross-curricular themes – Personal Social & Health Education, Careers Education and Guidance
- Economic and Industrial Understanding, Environmental Education and Citizenship

Planning your child's work is important and it is useful to develop a clear indication of the programme and methods of assessment. Parent/carer will find it helpful to record what is achieved and use these records as a basis for discussing with the child his/her progress.

**c) The Social Experience**

It is important for your child's development that they have the chance to mix with other children of all ages and both sexes, *not just* other family members, on a regular basis.

Membership of a young people's organisation should be considered to provide the opportunity for forming relationships in safe and comfortable surroundings. It may also be helpful to consider joining groups for the purpose of expressing any artistic or musical talents.

**d) The Wider World**

As part of the educational and social experience, school often gives children access to museums, places of interest and different environments. You should consider outings and visits as an integral part of the learning process.

**e) Protecting your Child**

If you decide to employ a tutor to assist you in educating your child, parent/carer must be present at all times. It is important to ensure that the tutor has good references. The tutor must have a current CRB check.

**f) Sources**

- The library will have an extensive range of books for you and your child. Larger ones also have cassette, video lending facilities and access to the Internet.
- The Leisure Centre gives you access to facilities and possibly classes/groups aimed at your child's age.
- Local museums/sites of interest are educational in themselves and sell books and other materials.
- Local evening classes/groups are a good place to access creative facilities. You will need to check whether they will accept your child first.
- "Education Otherwise" is a national organisation which supports the parent/carer educating at home.

**g) Part-time Employment**

All children, whether in school or home educated, who wish to work part-time, or to take part in acting or modelling are subject to legislation. You must apply to the Local Authority for permission prior to your child doing any work of this kind. Full details of what types of work hours are permitted and application forms, are available from the Social Inclusion Development Officer Children and Young People's Service, Rutland County Council, Catmose, Oakham, Rutland, LE15 6HP, telephone number 01572 758496. When your son/daughter reaches the age of 15 you may wish to consider contacting the Connexions service to discuss work experience for your son/daughter (see address list pages 22-23).

6. For some families, deciding to educate their children in ways other than by attendance at school find it a happy, fulfilling and successful experience. This is not always the case and it is important you recognise that the burden of providing an effective education even to just one child can be quite heavy. It can be difficult work, particularly if you are seeking to provide an education broadly in line with the National Curriculum. It can also be quite costly as a parent/carer may feel that it is important to offer access to good books and equipment. Overall, you will find that this is not a responsibility to be undertaken lightly. If your child has special educational needs it may be more difficult to get the help he or she needs, for example, the assessment and help of a trained professional.

**7. a) PARENT/CARER AIMS AND INTENTIONS**

- to give clear account of intentions;
- to provide positive reasons for pursuing education otherwise;
- to be open about educational intentions.

**b) Child's Views**

To have positive opinions and feelings about education otherwise.

**c) Teaching and Learning**

- Parent/carer and children able to identify and talk about learning that has taken place;
- Experiences provided are broadly appropriate to the child's age, ability and aptitude and any special educational needs;
- Child's attitude to learning shows interest, enthusiasm and understanding;
- Signs of appropriate progress with learning;
- Suitable stimulus, encouragement and guidance to help learning;
- Some form of record of progress to inform next steps;
- Sufficient time spent on learning.

**d) Conditions and environment for Learning**

Sufficient space and facilities, as distinct from resources, for activities, including:

- Reading and writing;
- Making and experimenting;
- Taking exercise.

Access to space outside.

**e) Resources**

- Access to sufficient equipment and materials for learning activities;
- Resources which enable child to learn more and extend activities;
- Appropriate use of resources beyond home, such as:
  - 1) Library
  - 2) Museums
  - 3) Outings

**f) Involvement with Children and Adults beyond Home**

- Child should have regular social contact with other children
- Child should have regular contact with other adults

**8. WHAT HAPPENS IF THE LOCAL AUTHORITY IS NOT SATISFIED WITH THE EDUCATION BEING PROVIDED?**

If the LA Officer is not satisfied that the educational provision is appropriate in that it fails to meet the requirements of Section 7 of the Education Act 1996 and /or that the curriculum offered is not broad, relevant, differentiated and balanced and designed to meet the needs of the child, a number of actions will follow automatically. Firstly, the concerns will be made known to you, and you will be allowed a reasonable time to improve the situation. If, after this time, the Officer is still not satisfied a meeting will be arranged with the LA which may result in the LA instructing you to return your child to full-time schooling. If you fail to do so consideration will be given to serving a School Attendance Order on you under Section 437 of the Education Act 1996. It is important for you to note that if you cannot meet your duty to provide for your child's education, the LA will seek to ensure that he/she attends a school.

**9. CONCLUSION**

As an LA we would generally prefer that you send your child to school. We are always willing to discuss the reasons that prevent you from doing this with a view to helping you as much as we can. We do, however, respect your wishes and we know that some parent/carer can do a very good job of educating their child at home.

We wish you and your child every success for the future.

## Questions and Answers

### ***Does my child have to go to school?***

The 1996 Education Act imposes a duty on parent/carer to “secure the education of their children... Of compulsory age” (5-16 years) but this can be done “otherwise than at school”.

For most children this means that they will normally go to school, but for various reasons a small number of parent/carers decide to undertake the responsibility of educating their children outside the school system.

### ***Do I need anyone’s permission?***

No. But the local authority (LA) has a responsibility to make sure that your child’s education meets the requirements of the Education Act so it is important to inform them of your decision.

### ***What will happen if I don’t notify the school or LA?***

If your child is on a school register and not attending, then that non-attendance will be followed up by school and Social Inclusion Development Officer , Children and Young People’s Service, . It remains YOUR responsibility to notify the school/LA.

### ***What are parent/carer responsibilities?***

Under Section 7 of the 1996 Act parent/carer of children not attending a school need “to cause (the Child) to receive efficient full time education suitable to his or her age, ability, and aptitude (and to any special needs that he or she may have either by regular attendance at school or otherwise)”.

### ***Does this mean that I have to follow the National Curriculum?***

No. You do not have a legal duty to provide your child with the National Curriculum although you may find it useful to know what it is and to follow it if practical. It will provide you with a suitable framework for levels of achievement across subjects. It will also help if your child returns to school in the future.

Currently, those subjects included in the National Curriculum are English, Mathematics and Science as core subjects with Technology, History, Geography, Art, Music, Physical Education, Modern Foreign Languages (from age 11) and Religious Education (unless parent/carer exercise their right to withdraw a child).

Many of the commercially produced workbooks available from bookshops now relate their content to the National Curriculum.

### ***Do I have to work school hours?***

No. Full time does not mean necessarily working school hours or working for 25 hours a week. The LA will want to see how you are going to organise your days and that sufficient time is being spent in study each week.

### ***How should I organise the teaching and learning?***

There is no one approach or style that can be recommended, but it should be as active and practical as possible. Great importance should be placed on reading and mathematics and a programme of educational visits should also be planned. You can make use of educational broadcasts but need to prepare well in advance and ensure that you plan follow up work after the broadcast. By varying the style and content of the education, it will be more enjoyable for you and your child(ren).

You will need to ensure that there is a special place set aside for quiet work and independent study.

### ***Do I have to provide all the education?***

No. But it is your responsibility to ensure that an efficient programme of work is provided. This can be done by the parent or carer. You can also use suitable friends or pay for specialist teaching, however, it is your responsibility to ensure that any tutors/teachers are suitably qualified and experienced to teach your

child(ren). You are also advised to remain at home when a tutor is teaching your child. You may like to find out if the tutor has undergone a CRB (Criminal Records Bureau) check.

***Will the LA give me any support?***

No. It is the LA's responsibility to make a judgement about the quality of education provided and to write a report that indicates whether or not it is satisfactory. An LA officer will want to visit and talk with you and may offer advice or tell you where to obtain help.

***Can I educate my child part-time at home and in school?***

No. If you choose "education otherwise" your child will be removed from the school register; Occasionally schools may make special arrangements with parent/carer but this would be at the discretion of governors. For 15/16 year olds, some colleges of further education will support education otherwise by allowing access to courses but the financial responsibility for these courses remains with the parent/carer.

***Can I change my mind?***

Yes. You can seek a place in a school at any time and let the LA know of your intention to send your child to school.

***What happens if the LA says the provision is unsatisfactory?***

The LA officer will tell you this at the end of their visit and will send you a copy of their report which will indicate any areas of the educational provision which needs attention. He/she will probably want to re-visit fairly soon afterwards with a professional colleague to see how you are planning to improve the programme. If it remains unsatisfactory you may have to arrange for re-admittance or a School Attendance order may be served on you.

***What do I need to check before making a decision?***

- You have the time to devote to your child's education on a regular basis
- You are convinced it is the best course of action for your child
- You have the space available for a quiet working area
- There are opportunities for physical exercise
- You are prepared to buy the necessary resources or have access to them
- Your child is positive about the suggestion
- You have the necessary expertise to teach your child effectively
- You have some support available
- Social experiences with other children are available

## For more information and sources of help and advice:

### **Liz Odom**

#### **Social Inclusion Development Officer**

Rutland County Council

Catmose

Oakham

Rutland,

LE15 6HP

*Telephone Number: 01572 758496*

### **Rutland Youth Services**

Jules House

1 Cold Overton Road

Oakham

Rutland

*Telephone Number: 01572 758301*

*Website: <https://www.raw4youth.com/>*

*Email: [jules@rutland.gov.uk](mailto:jules@rutland.gov.uk)*

### **Mrs Jay Thomlinson**

#### **Parent Partnership Officer**

Rutland Information and Advice Support Services

Citizen's Advice Bureau

56 High Street

Oakham,

LE15 9AG

*Telephone Number: 01572 723494*

### **Education Otherwise**

P.O.Box 63

Swaffham

PE37 9AT

*Helpline: 0845 478 6345*

*Website: <https://www.educationotherwise.net>*

### **Education Now**

113 Arundel Drive

Bramcote Hills

Nottingham

NG9 3FQ

*Telephone Number: 0115 925 7261 (recorded information)*

*Website: <https://www.thetimenow.com>*

*Website: <https://www.educationnow.co.uk>*

*Email: [info@educationnow.co.uk](mailto:info@educationnow.co.uk)*

*A non-profit making research, writing and publishing company. A co-operative devoted to developing more flexible forms of education and more educational diversity.*

## **Contact for the addresses of examining boards.**

### **National Extension College**

The Michael Young Centre  
Purbeck Road  
Cambridge  
CB2 2HN  
*Telephone Number: 01223 450200*

*Provides open learning through its correspondence college. Offers GCSE and A Level courses, tutors, handbooks, technical guides and practical guides. Supplies an annual publication catalogue.*

### **Rapid Results College**

Tuition House  
27/3 George's Road  
London, SW19 40S  
*Telephone Number: 0208 944 3103*

### **Qualification and Curriculum Authority (QCA)**

83 Piccadilly  
London  
W1J 8QA  
*Telephone Number: 0207 509 5555*

*For information about the National Curriculum and about GCSE coursework*

### **The Student Support Centre**

23 New Street  
Leominster  
HR6 8DR  
*Telephone Number: 01568 615599*

### **Christian Education Europe**

PO Box 770  
Highworth  
Swindon  
Wiltshire, SN6 7TU  
*Telephone /Fax Number: 01793 783783*

*Assists Christian families with the education of their children from 5-16 years.*