

TORFAEN COUNTY BOROUGH COUNCIL

POLICY DOCUMENT Education Other Than At School

INTRODUCTION

The Local Education Authority (LEA) seeks to respond to the diverse needs of all members of the local community. This community includes pupils, their parents and carers, all members of staff who work in schools and governors. Everyone working in the service has a role and clear responsibility to support all those involved in promoting a learning society by developing a more inclusive practice. This is in line with the County Borough Council's drive to raise the standards of achievement in Torfaen and to compensate for disadvantage in all its possible forms. For most pupils, the best place in which to undertake their education is in the local mainstream school. If schools are to respond to the diverse needs of all, they do require help and support from other agencies, including the local education authority. Sometimes there may be pupils who for good reason cannot be educated in school, often for temporary periods. This policy document details the roles and responsibilities of all those concerned with the education of pupils other than at school (EOTAS) Its central aim is to enable us to endeavour to ensure that all pupils in Torfaen achieve the highest possible educational standards.

Aims

Our aim is:

"To make high quality provision for children who cannot access education within school in order to ensure that they achieve the best possible educational outcomes."

This simply stated vision is consistent with the Education Service vision set out in the Single Education Plan

Values

Torfaen has developed its policy in accordance with the following core values:

- **Entitlement**

A belief that all young people who are not able to access their local school community are entitled to suitable educational opportunities.

- **Equality of Opportunity**

A commitment to provision that is non-discriminatory and responds to diversity of need.

- **Inclusion**

A commitment to include all pupils within their local school communities, which expressly implies invitation for re-integration, wherever possible, following periods of home education.

- **Continuity and Progression**

A commitment to help parents in securing continuity of education and progression through the key stages of the national curriculum.

- **Child Protection**

A commitment to the safety and welfare of all pupils according to Torfaen's Child Protection policy and procedures.

- **Partnership**

A commitment to work together with parents and pupils, schools, local authority support staff, and colleagues in health, social services and other agencies.

Aims and Objectives

Torfaen's policy on Education Other Than At School (EOTAS) has been drawn up in partnership with schools, social services, health service staff and staff from the local education authority. It has been designed to meet the needs of pupils who, for a variety of reasons, have been withdrawn from formal schooling.

Its primary aims, therefore, are:

- to ensure early notification and intervention;
- to provide continuity and progression as far as circumstances will allow;
- to ensure that pupils are given the opportunity to access their entitlement to an appropriate education;
- to achieve re-integration to regular schooling for as many young people as possible, if appropriate;
- to secure the best educational outcomes within the context of the child's social, emotional and health needs; and
- to clarify roles, responsibilities and expectations for the range and quality of provision.

The policy recognises that our aims are best achieved through partnership. Young people and their parents are key partners in this process along with their catchment school, local authority support staff and, where appropriate, other agencies.

The policy and procedures are designed to work within the wider framework of government legislation. They also link, as appropriate, with government guidance on special

educational needs, social inclusion, the education of children with long-term illness or other medical conditions.

The Local Education Authority has a statutory duty to make provision for students of compulsory school age who are not able to gain access to suitable full-time education.

Parents	Throughout this document the term "parent" includes carers and all those who have parental responsibilities.
Schools	References to schools throughout this document should be taken to include the Governing Body, the school's management and its staff.
Other Agencies	Multi agency approaches refer to the involvement of the various professional disciplines within the Education Service e.g. Education Psychology, Education Welfare, Health, Youth and Community as well as Health and Social Services
<u>Inclusion</u>	The Local Education Authority supports the view that an educationally inclusive school is one which the teaching and learning, achievements, attitudes and well-being of every young person matter. Effective schools are educationally inclusive schools. This shows, not only in their performance but also in their ethos and willingness to offer new opportunities to pupils who may be experiencing difficulties. This does not mean treating all pupils in the same way. Rather it involves taking account of pupils' varied experiences and needs.

Responsibilities of Parents

Section 7 of the Education Act 1996 requires parents to secure education of their children of compulsory school age either by regular attendance at school or otherwise than at school (i.e. by making suitable provision themselves). Unless making their own suitable arrangements, parents are obliged therefore to ensure that their child attends the provision arranged by the LEA.

The LEA's Commitment

Torfaen recognises the importance of developing a more inclusive education system. This is one of the fundamental underlying principles in developing new approaches and provision, particularly for children with emotional and/or behavioural difficulties, or those who are at risk of being withdrawn from education with their peers.

Provision

Torfaen places a high premium on working with parents. It is clear from recent research that parents are a powerful influence on the academic and social development of their children. This principle underpins the Council's strategy for improving the achievement of pupils generally and supporting EOTAS pupils specifically. In making suitable provision for EOTAS pupils, the LEA will take account of the relevant key stage for each young person,

and will seek to prepare pupils for a quick return to a mainstream school if possible or appropriate.

The LEA will also investigate the possibility of any undiagnosed learning difficulties or other significant issues such as alleged bullying that may have influenced the decision to withdraw the young person from school.

The LEA will collect data on the number of children of all ages in Torfaen who are educated out of school and update this data base on an annual basis.

Definition of Client Group EOTAS

This client group is defined simply as those children whose parents have elected to educate them in a means other than at school.

Legal Framework

Legislation, subsequent regulation, guidance set out in Circular 11/94 and later DfEE & WAG publications, and case law all address the complex issues and provisions covering circumstances where parents elect to educate their child or children other than at school.

The legal provisions cover such issues as the rights and responsibilities of parents, definition and evidence of suitable education, the duties of LEAs, de-registration and part-time school attendance, and the home education of children with special educational needs. Torfaen's policy has been developed in the light of this legislation, guidance and relevant case law.

The Rights and Responsibilities of Parents

There is a strong presumption in law in favour of the wishes of parents concerning the education of their children, balanced with significant responsibilities.

For example, as a general principle, Section 9 of the Education Act 1996 indicates that pupils are to be educated in accordance with the wishes of their parents so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure. Similar sentiments are enshrined in the new Human Rights legislation where the rights of parents to educate their children in line with their own philosophical or religious convictions are protected. These powerful rights are counterbalanced with complementary responsibilities. Principally, the responsibility for ensuring that children of compulsory school age receive efficient full-time education rests with parents. Section 7 of the Education Act 1996 (previously section 36 of the Education Act 1944) clearly establishes this:

“The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude, and to any special educational needs he may have, either by regular attendance at school or otherwise.”

Thus, the legislation makes clear that efficient, suitable, full-time education is compulsory; that it is parents who have the primary responsibility to ensure that their children receive such education and that they may exercise this responsibility either through regular attendance at school or otherwise.

There is no general duty on parents to inform LEAs of their decision to educate their child at home. However, schools can only remove a child from the school roll where they receive written notification of a parent's decision to educate at home. In these circumstances, the Headteacher must ensure the LEA is promptly informed.

Definition of Suitable Education

As defined in the legislation, efficient full-time education, whether provided by regular attendance at school or otherwise, must be suitable to the age, ability and aptitude of the child or to any special educational needs he or she may have. The courts have in turn defined a "suitable education" as one which was such as:

- a) to prepare a child for life in modern civilised society; and
- b) to enable him/her to achieve his/her full potential.

Moreover, the courts have ruled that education is suitable if it primarily equips a child for life within the community of which he/she is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he/she wishes to do so.

This is especially important in the case of pupils belonging to particular ethnic groups or whose parents have specific religious or philosophical convictions about the way in which their children should be educated. Parents have therefore considerable freedom in expressing a preference in determining how their children should be educated.

The Duties of LEAs

Sections 437 to 443 of the Education Act 1996 place a duty on LEAs to intervene if it appears that a child is not being suitably educated. LEAs have to ensure that the education the child receives is suitable to the child's age, ability, aptitude and any special educational needs that the child may have. The LEA, therefore, will need to satisfy itself on two conditions: first, that the parent is willing and able to ensure that effective provision will be made; and second, that the child is receiving suitable education, as defined in the legislation.

LEAs have discretion as to how such arrangements are made locally and all such arrangements must be reasonable in their scope. They are constrained by certain factors: for example, the LEA has no automatic right of access to the home; parents are under no duty to comply with requests for information; there is no obligation for parents to cover the National Curriculum nor can the LEA's curriculum policy statement be used as a basis for judging home education; and LEAs cannot insist on any assessment being made of the home educated child's work.

Nevertheless, such arrangements may include, for example, a request for a meeting or reasonable evidence that a suitable education is being provided. The courts have ruled that it would be sensible for parents to comply with such reasonable arrangements made by the LEA. This is because, if they adopt the course of merely stating that they are

discharging their duty without giving details of how they are doing so, the LEA will have to consider and decide whether it appears that the parents are in breach of their legal duty, with possible consequent legal action. This clearly places a premium for both parents and the LEA on cooperation and partnership.

If, in the absence of suitable evidence, or in the light of the evidence provided, it appears that a child is not receiving suitable education at home, the LEA has a duty to intervene by serving a notice in writing on the parent requiring him or her to satisfy them within the period specified in the notice that the child is receiving such education. If the parent's reply is unsatisfactory, or if they fail to reply, the LEA may serve on the parent:

- a further notice giving warning that the LEA intends to serve a School Attendance Order; and finally,
- a School Attendance Order, which would specify the school at which the child should be registered.

If the parents fail to comply with the School Attendance Order, the LEA can prosecute the parent in the courts. Before instituting proceedings, the LEA will consider whether it would be appropriate (instead of, as well as, instituting the proceedings) to apply for an Education Supervision Order.

Where a child is the subject of a School Attendance Order that is in force, and where the parents have not complied with the order, the courts will assume that the child is not being properly educated, unless it is proved otherwise.

Evidence of Suitable Education

Parents can provide evidence in a number of ways. They might, for example:

- set out details of the education provided in a meeting with or without the child present;
- write a report;
- provide samples of work;
- have the educational provision endorsed by a recognised third party; or
- provide evidence in any other appropriate form.

The evidence presented, but not necessarily the type of evidence, should form the basis of whether a suitable education is being provided. The evidence would need to be sufficient to convince a reasonable person that, on the balance of probabilities, education was being provided consistent with the age, ability and aptitude of the child and any special educational needs he or she may have.

De-registration

The Education (Pupil Registration) Regulations 1995 set out the conditions under which a pupil's name is to be removed from the admission register of a school. Regulation 9 states that a pupil's name is to be deleted if:

"He has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school."

On condition that the parents have notified the governing body of the school, usually through the Headteacher, of their intention to educate their child at home, they are under no obligation to inform the LEA. This responsibility falls to the school, under Regulation 13, and the school must report the deletion of the pupil's name to the LEA within 10 school days.

These regulations revoke the previous position where parents could not de-register their child until the LEA had satisfied itself that the education provided at home was suitable. However, under Regulation 2, parents seeking to educate at home children registered at a special school must still obtain the consent of the LEA to withdraw their child from the school. This ensures that LEAs can maintain continuity in their responsibility for children with special educational needs.

Part-time Attendance

Some parents who wish to educate their children at home may request attendance at school on a part-time basis to take advantage of the specialist facilities and social context available, particularly, but not exclusively, at secondary age. This combination of home and school education is sometimes referred to as "flexi-schooling" or "flexi-time schooling" and is a practice adopted by some LEAs in England and Wales. In Torfaen, this practice is supported through the Virtual Learning Environment only, where young people can access a wide variety of teaching and learning materials to support their home education. Currently, the Council policy supports part-time attendance at school, only as part of a managed process for returning the child to full time schooling.

In law, a child who goes to school must attend regularly but, under Section 444 of the Education Act 1996 (previously Section 39 of the Education Act 1944), absence with leave, granted by anyone authorised by a school's governing body, does not count as irregular attendance. This would apply only to pupils with circumstances which would allow access to Home Tuition or Youth Access through agreed procedures described in the appropriate policy and accompanying guidelines. In such cases, the child is officially at school (and therefore occupies a funded place within the school's standard number) but is effectively being educated off-site. In making complementary arrangements at home, the parents must ensure, under Section 7 of the Education Act 1996, that the education provided is suitable to the needs of their child (just as if they were exercising their full right to education at home).

Thus, whereas full-time education at home is an absolute right (in the sense that any parent who can make suitable arrangements must be allowed to do so), and full-time education at school is an absolute right (in the sense that the LEA must either find a place for any child of compulsory school age or admit such a child to a given school with a vacancy), flexi-time schooling, as part of transition arrangements into full-time schooling, is

simply discretionary because it requires the consent of the school. Moreover, while a child is registered at a state school, he or she is subject to all the relevant legal provisions, including the requirements of the National Curriculum and all relevant funding provisions.

Children with Special Educational Needs

Section 7 of the Education Act 1996 provides for the home education of children with special educational needs, requiring that such education must be suitable for the child's age, ability, aptitude and to any special educational needs that the child may have. Where the child has a statement of special educational needs, Section 324 of the Education Act 1996 obliges the LEA to make the provision specified in the statement, unless the child's parent has made suitable alternative arrangements. These arrangements are entirely at the discretion of parents; there is no requirement for the parents to follow any Individual Education Plan that may be in place, although they may do so if they wish.

Nevertheless, the LEA retains the duty to undertake the annual review and to satisfy itself that the child is being suitably educated. It must continue to make the necessary arrangements for the annual review, differentiated as necessary to take account of the child's changed circumstances. The review includes assessing whether the statement is still appropriate and it may be decided to alter or to cease to maintain the statement. Should a disagreement arise between parents and the LEA over the review of the statement, it may need to be resolved by the Special Educational Needs Tribunal, and the LEA has a duty to inform the parents of their rights, including their right of appeal.

The LEA's Commitment

Torfaen LEA believes in the relevance, suitability and effectiveness of the education provided in its schools. Nevertheless, the LEA recognises that in a modern society, where there is genuine choice and diversity, some parents will wish to make their own arrangements to educate their children on the basis of their educational, philosophical or religious convictions.

The LEA therefore:

- recognises the legal right of parents to educate their children otherwise than at school;
- will alert the parents to issues honestly and without bias but will respect the right of parents to do so;
- will seek to work in partnership with parents and with any of the voluntary organisations with a specific interest in this area of education;
- will advise parents to help ensure that they have based their decision on all the relevant information and have fully considered possible alternative courses of action;
- will seek to satisfy itself of the suitability of the education being provided and offer advice to parents on any action they may need to take, consistent with their wishes as parents;
- will seek to agree with parents the arrangements for monitoring the provision on at least an annual basis; and

- will intervene, as necessary, if it appears that the child is not receiving suitable education.

Application of the Policy

The provisions of this policy apply to any pupil aged 5-16 resident in Torfaen whose parents or carers elect to educate them otherwise than at school.

Procedures

The LEA's procedures fall into five stages:

Stage One: Notification

There are two principal sources of information to LEAs about pupils who are educated at home:

- (i) *Schools* If parents wish to educate their child at home and, in so doing wish to de-register their child from school, the parents must notify the Governing Body of their intention to do so. The Governing Body, in turn must notify the LEA within ten school days. The school must also notify the LEA if consent is given to part time attendance, where a managed transition to facilitate a return to full time education is planned, so that the LEA can put into place monitoring and review arrangements for the home education component.
- (ii) *Parents* Parents are under no legal obligation to notify the LEA of their intentions, but in practice many will do so. The circumstances will vary from those parents who educate their children at home from birth to those who, for their own reasons, remove their children from school for that purpose.

Other sources of information might include:

- contacts with *Education Otherwise* or other voluntary bodies supporting parents;
- the Welsh Assembly Government or others advising the LEA; and
- on-going visits to home educating families.

It follows from this that there can be no comprehensive system for tracking and monitoring every family that exercises its right to home educate. Nevertheless, the LEA will endeavour to do so systematically in order to ensure that its statutory obligations are met in respect of all Torfaen children educated at home.

Stage Two: Contact with Parents

When the LEA is notified from any of the above or other sources, that a parent intends to educate their child at home, a representative from Pupil Support Services will, within 5 working days of notification:

- log the information and open a case file;
- send the parents a copy of the LEA's Guidance for Parents; And
- seek formal confirmation of their intention to educate their child at home.

If the parents confirm their intention to educate their child at home, Pupil Support services will:

- Acknowledge receipt of their confirmation;
- Inform the Head of Learning and Community Participation
- Check the involvement of other LEA staff including: Education Welfare Officer (EWO), Education Psychologist, and Inclusion Officer.
- Arrange a home visit by the Education Welfare Officer and seek their advice on their continuing involvement;
- Inform Social services and seek their advice on their continuing involvement;
- Check for Child Protection issues – e.g. Child Protection Register.
- Make arrangements for an initial meeting with the parents and Head of Learning and Community Participation or a School Development Advise (SDA);
- Record information from the child's previous school, if this has not already been provided.

If the parents do not confirm their intention within fourteen days to educate their child at home, Pupil support Services will:

- check with the school whether the child's attendance is continuing or has resumed;
- where it has not, or where the child has not been registered on the roll of a school, send a reminder to the parents; and
- arrange for the EWO to visit the parents immediately, if no response to the reminder is received within 14 days.

Stage Three: Initial Visit/ Meeting with Parents

The Head of Learning and Community Participation or an SDA will endeavour to make the initial meeting within 15 working days of confirmation from the parents. The primary purpose will be to determine if the parents are willing and able to make appropriate provision, and to establish mutual understanding of the respective roles and responsibilities of the parents and the LEA, so that future arrangements proceed on the basis of a properly informed partnership.

The meeting will cover a number of issues:

1. Are the parents' reasons for home education clearly understood?

2. Are the educational aims and outcomes clearly articulated?
3. Is there clear recognition of the practical implications?
4. Is there evidence to show that satisfactory arrangements can be made?
5. Are the LEA's role and responsibilities clearly understood?
6. Are the next steps in the monitoring process clear, acceptable to, and agreed with the parents?
7. Are there any other areas of concern to be followed up (e.g. child protection issues; attendance, exclusion, or admissions issues; or parental concerns or complaints)?
8. Have copies of all relevant documentation been provided, along with information on how to access support and guidance?

At the end of the meeting, the Head of Learning and Community Participation or SDA will explain the next steps to the parents and confirm any initial conclusions reached.

Following this meeting, the SDA will arrange a follow up meeting or visit and will:

- make a report setting out the findings of the visit, including a judgement as to whether the parents are willing and able to make suitable provision, and the evidence on which the judgement is based;
- if the parents wish to continue, make arrangements for another visit, at an appropriate time, according to level of confidence in arrangements/provision;
- if the parents do not wish to continue, the SDA will notify Pupil Support Services that the pupil will continue or resume school-based education;
- follow up any areas of concern arising from the meeting (e.g. child protection issues; attendance, exclusion, or admissions issues; or parental concerns or complaints); and
- contact the parents to inform them of the next steps.

Where education at home is combined with access to ICT provision through the Virtual Learning Environment, the SDA will also liaise with the school.

Stage Four: Assessment of Evidence

The SDA will endeavour to visit or meet the parents within 10 working days of receiving the notification from the Head of Learning and Community Participation. The primary purpose of the SDA's visit or meeting will be to determine whether the educational arrangements made by the parents are suitable, and to secure agreement on the nature, timing and frequency of future monitoring and support.

Where the parent does not consent to a visit or a meeting, the SDA will need to assess the evidence provided by the parent.

In either case, the SDA will need to establish whether there is sufficient and suitable evidence to demonstrate that the education provided is:

- suitable to the age, ability and aptitude of the child;
- suitable to meet any special educational needs that the child may have; and
- efficient and full-time.

Before leaving, the SDA will share with parents the conclusions reached at this stage and explain the next steps. If agreement cannot be reached with the parents about future monitoring arrangements, the SDA will explain the LEA's responsibilities.

Following the visit, meeting or other means of assessing the evidence the SDA will, within 10 working days:

- make a report to the Head of Learning and Community Participation setting out the findings of the visit, including a judgement as to whether or not suitable education is being provided, and the evidence on which the judgement is based;
- if the provision is suitable, continue to monitor at an appropriate level and on no fewer than one occasion per annum.
- if the provision is not suitable, *either* advise the parents on remedial action, *or* recommend intervention to the Head of Learning and Community Participation who will inform the Head of Pupil Support and Partnerships;

Provision may be unsatisfactory for reasons other than those to do with education. If the SDA has cause to believe that the child is a victim of abuse or neglect, the concerns should be reported directly to the Head of Pupil Support and Partnerships and the Head of Learning and Community Participation, who will inform the Chief Education Officer.

Stage Five: Monitoring and Review

The LEA is required by law to intervene if it appears that children educated at home are not receiving suitable provision, and will work in partnership with parents to secure reasonable means of assessing the suitability of their arrangements. Intervention will be in inverse proportion to the suitability of the provision being made.

The frequency of visits or meetings with parents will depend on the extent to which the arrangements provided are suitable. If the arrangements are satisfactory or better, then visits or meetings will take place on no more than on an annual basis. If there are concerns about the suitability of the provision, then visits or meetings will be more frequent, usually on a termly basis.

The length of time for a visit or meeting will depend on individual circumstances. The initial visit or meeting is likely to take at least an hour to allow the SDA sufficient time to discuss the evidence of suitable provision with parents. Subsequent visits or meetings, if straightforward, might take no more than 45 minutes.

The focus will always be on the suitability of the provision and the evidence for it. The purpose of the visit or meeting will be primarily to determine whether the provision being made is suitable. The Head of Learning and Community Participation and the SDA will also endeavour to offer help, advice and support to parents; to work with Education

Otherwise and other voluntary support groups; and to draw parents' attention to other valuable sources of information.

Where the parent is not willing for a visit or meeting to take place, the LEA will ask for other evidence to be provided by the parent on a regular basis. The LEA will keep all open cases under termly review and the Head of Learning and Community Participation will send an annual letter to parents requesting they sign and return a continuation form, officially confirming their wish not to request return to formal education, either on a full time or part time basis;

Pupil Support and Partnerships will arrange a Termly review with all personnel involved in the case.

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APPENDIX 1

Practical Arrangements

Where parents indicate that they would like their child to engage in a managed transfer back to full time schooling and attend on a part-time basis, schools are recommended to seek written request for this in order to avoid any misunderstanding and in order that the school can give proper consideration to the request. Schools may wish subsequently to discuss the matter with the parents and the LEA, and in so doing, should satisfy themselves that the arrangements are practicable and would be suitable to the educational needs of the child.

Where permission is not granted, the parents should be notified in writing of the school's decision. Schools are under no obligation to give reasons for their decision but it is advisable, in the interests of clarity, for the basis of the decision to be set out. If the child is already on roll and is subsequently absent without leave on a regular basis, the LEA is obliged to take action against the parents unless they notify the school of their intention to de-register their child for the purposes of providing full-time home education. If the child is not on roll and the parents exercise their right to provide education at home, then the LEA will have to satisfy itself as to the suitability of the education being provided. It is important in all these cases, therefore, that schools keep the LEA informed of developments, even by simply sending a copy of any correspondence to the Head of Learning and Community Participation.

Where permission is granted, it is recommended that an agreement is drawn up to include a personalised learning plan for the child, to formalise the practical arrangements. This would cover such issues as:

- Target date for return to school full-time – (no longer than one school academic term following the introduction of part-time arrangements)
- The times the child attends school
- Access to records and reports
- Opportunities to meet with class teachers, tutors or other school staff
- Arrangements to review and, if necessary, terminate the part-time arrangements

APPENDIX 1

PART TIME SCHOOLING AS PART OF A MANAGED TRANSITION TO FULL TIME SCHOOLING: GUIDANCE MATERIALS

1. Parents who select this option do so after gaining the agreement of the school's governing body and the support of the LEA. Such arrangements are wholly at the discretion of the governing body (or any member of staff authorised by them to determine a parent's request for part time education) and are implemented only as part of a request to support the young person in returning to school on a full time basis.
2. The arrangements will be based on the following:
 - The school and parents will agree on the days or half days on which the pupil attends school
 - The pupil will be encouraged and allowed to attend special events that take place on the agreed non-school days/times in consultation with the young person's class teacher
 - Parents will have the same access to records, reports and opportunities to meet with teachers as pupils who attend school on a full-time basis
 - The school will have access to all LEA reports regarding the pupil's education on non-school days
 - Parents will have the same statutory rights as parents of pupils who attend school on a full-time basis
 - The arrangements may be terminated by the parent during the academic year but, where a parent requests full time attendance, this will begin at the start of a new term or half-term only, except by agreement with the school.
 - The school reserves the right to advise the parent about future arrangements if it believes that the current arrangements are detrimental to the pupil's progress.
 -
3. The days agreed for attendance are:

I/We fully understand the agreement into which I/we have entered with the school and undertake to uphold the basis of the agreement set out above.
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Signed:

Parent:

Date:

Headteacher:

Date:

APPENDIX 2 (printed copies of this guidance are given to parents as a separate leaflet.)

GUIDANCE FOR PARENTS ON EDUCATION OTHERWISE

What are the rights and responsibilities of parents?

Parents have a duty to ensure that their children of compulsory school age receive full-time education suitable to their age, aptitude and ability. Parents do not have to inform LEAs of their decision to educate their child at home, however there is an obvious need for cooperation and partnership for the benefit of the child. Schools can only remove a child from the school roll if they receive written notice from the parents about their decision to educate him or her at home.

What is suitable education?

The courts have defined a 'suitable education' as one which prepares a child for life in modern civilised society and enables him or her to achieve his or her potential. They have also ruled that education is suitable if it equips a child for life within the community to which he or she belongs, as long as this does not reduce the child's chance to adopt some other form of life in later years, should he or she wish to do so. This is important where the family have particular religious or cultural beliefs.

What are the duties of LEAs?

LEAs have to ensure that the education each child receives is suitable to the child's age, ability, aptitude and any special educational needs. The LEA needs to satisfy itself that:

- the parent is willing and able to ensure that effective education can be provided;
- the child is receiving suitable education.

However in the case of home education:

- the LEA has no automatic right of access to the home;
- parents are under no duty to provide information requested;
- parents do not need to cover the National Curriculum;
- the LEA cannot judge home education by its own curriculum policy;
- the LEA cannot insist on assessment being made of the child.

What action will the LEA take?

Following notification from a school that parents have decided to educate their child at home and ask for him/her to be removed from the role the LEA will:

- ask for written confirmation;
- make an initial visit to discuss the decision;
- arrange for an Adviser to visit to assess the suitability of the proposed education programme.

There is, therefore, an obvious need for co-operation and partnership between parents and the LEA. In cases where the LEA is not satisfied that a child is receiving a suitable education the LEA can:

- send a notice to the parents requiring them to provide evidence of suitable education;
- send a further notice if there is no reply or an unsatisfactory reply, warning that a School Attendance Order may be served;
- serve a School Attendance Order on the parent, naming the school where the child should be registered.

What evidence of suitable education do parents need to provide?

Parents can provide evidence in a number of ways. For example:

- at a meeting with an LEA Adviser, with or without the child being present, set out the education being provided;
- write a report;
- provide samples of work;
- have the provision endorsed by a recognised third party.

What about part-time attendance?

Sometimes it is possible to have a combination of home and school education provided that:

- a school has given permission authorised by its Governing Body;
- evidence for the arrangements for education other than at school can be provided and are judged suitable.

This arrangement is called 'flexi-schooling'. Please note that a school does not have to agree to this arrangement or give reasons for not agreeing to a request from parents.

What about pupils with special educational needs?

Pupils with a Statement of Special Educational Need (SEN) can be educated at home providing the arrangements are judged to be suitable. Parents whose children are at a Special School must obtain the consent of the LEA before removing them. The LEA needs to continue to hold an annual review and this includes assessing whether the Statement is still appropriate. Rights of appeal to the SEN Tribunal still apply.

What could the curriculum look like?

All LEA schools teach the National Curriculum. Children educated at home do not have to follow the National Curriculum but would be advised to in subjects where they expect to take a GCSE examination at 16. They should, however, follow a curriculum which is **broad, balanced** and **suitable** for their individual needs. The Government places emphasis on English (literacy), Mathematics (numeracy), Science and Information and Communication Technology (ICT). A good education will ensure a child gains attitudes, skills and knowledge that fit them to live in and adapt to the challenges of a rapidly changing world.

- A **broad** education introduces a child to the skills and knowledge of a range of subjects and types of subject which ensure an opening of the mind.
- A **balanced** education ensures no one subject area takes up so much time that there is no room for others, or for creative use of leisure.
- Any education must be **suitable** to the individual needs of the child. A curriculum plan should therefore take into account the child's age, aptitudes, ability and any special needs that they may have.

What should your child study?

A good guide comes from schools where most children study English, Mathematics, Science, Design and Technology, History, Geography, Art, Music, Physical Education and Religious Education. From the age of 11 they may study a modern foreign language as well. Children also spend time on personal and social issues such as health and sex education and issues relating to everyday life. Citizenship has now been added to the National Curriculum. Unless parents object, all pupils are taught how to use a computer. Older children receive careers advice to help prepare them for life after school.

How is your child going to study?

It is important to consider not only what your child will learn but how. Not all learning comes from books and where appropriate children can make use of the media, the Internet

and visits. Children need to acquire skills as well as knowledge. For example they need to be encouraged to develop discussion skills, problem solving skills and social skills. Through P.E., games and practical work they can develop a range of physical skills. Often learning involves children taking an active role in their work. They carry out experiments, conduct surveys, draw pictures from real life, interview members of the public and make studies at real locations. Remember that good teaching includes regular feedback. Your child needs to know when something has been done well and, if it has not, how it could be done better. Mistakes need to be corrected and good work needs to be praised. Some other points to consider:

Where will your child work?

- Is there a good flat surface to work at?
- Is there somewhere to store books and work?
- Is the working area free from noise and other distractions?
- Is the space available for your child to work at when it is needed?
- Is it warm, light and tidy?

How well organised will you be?

- Is there a clear written timetable and if there is, do you keep to it?
- Do you keep a record of work that has been covered and do you have plans for future work?
- Is each piece of work dated and clearly laid out?
- Are folders and books well maintained so that work is valued and preserved?

What resources will you use?

- Do you have a good supply of stationery such as exercise books, paper, pens, pencils and rubbers?
- Does your child have access to basic equipment and other learning tools such as paints, brushes, a pair of compasses, a calculator and a dictionary?
- Do you have appropriate textbooks for the subjects being studied?
- Have you checked that the books and other materials are well matched to your child's age and ability?
- Do you have access to a computer (if appropriate)?
- Do you make use of TV and radio schools' broadcasts, including means of recording?
- Do you make use of your local library?
- Have you used the local area as a starting point for learning (buildings for history, country walks for geography, etc.)?
- Do you take your child to museums and art galleries?

The General Adviser will ask about the resources you are providing and be able to give some limited advice if required.

Does your child have Special Educational Needs?

If so you will need to take special care in planning the work programme so that his/her special educational needs are met. If your child has a Statement of Special Educational Needs, the Statement will continue and the special educational needs described in it will have to be met. The LEA has to monitor the programme carefully and there will be an Annual Review. Other agencies such as the Health Authority and the Social Services Department may be involved if appropriate to the support of your child.

Finally...

Do think long and hard about your decision:

- it is a great responsibility and a considerable commitment of time and energy;
- plan what you intend to do with your child before making a decision;
- look at the costs involved - Books? Equipment? Visits? Your time?
- Provide opportunities for your child to be involved in social activities with other
- children and groups. The impetus which comes from such activities may provide a useful social setting and improve your child's motivation to succeed with his or her learning. More importantly it will help your child develop social and personal skills;
- keep your options open as your child's needs may change at different ages and stages. We will always be willing to offer a place for your child at a school that can provide for his/her needs.