



Learning Improvement Service

Elective Home Education in Cumberland

Information for young people, parents and carers

April 2024

Introduction

This booklet is designed to explain the basics of elective home education and the specific role of the home education team. It should help you to understand what happens in Cumberland to promote partnership between the home education team and families who choose to provide their child(ren) with education “*otherwise*” than “*by regular attendance at school*”. You may already be an established elective home educator, with well thought-out ideas about an approach that works for your family. However, many parents have questions and sometimes doubts about how it all works. This booklet has been updated with reference to DfE guidance April 2019 and the DfE consultation documentation October 2023.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf

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

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What is Elective Home Education?

Elective Home Education (EHE) is the term used when parents choose to provide education for their children at home instead of sending them to school full-time. You may also hear the term “home-schooling” used. This is different from education provided by a local authority (LA) other than at a school – for example, hospital and home tuition for children who are too ill to attend school.

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

Young people can continue right through their school age years being home educated, often taking the same kind of exams as their peers in schools. Some continue to home educate up to age 18 but many go on into higher education, and some spend periods in different forms of education. Some young people don't take any exams but may move straight into work or training. A few, unfortunately, do not seem able to engage with any learning opportunities offered despite everyone's best efforts. There are just as many possible outcomes for home educated young people as for those in schools.

There is a perception that home educated children are missing out on "normal socialisation", that they are somehow disadvantaged socially and developmentally. There is little evidence to support this view. There are many possibilities for social contact with other home educating families as well as the out-of-school activities that are available to all young people.

The Law – what does it say?

Parents have a legal right to have their child(ren) educated in accordance with their own beliefs and values, but the education provided must be efficient and full-time and must be suitable to the young person's age, ability, aptitude and any special educational needs. **The responsibility for a child's education is the parents. Education is compulsory, but going to school is not.** If parents choose to educate at home, the law is clear – a child should have an efficient, suitable full-time education.

In England the main legislation relating to home education is the **1996 Education Act**. **Section 7** of this act states:

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

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

either by regular attendance at school or otherwise."

What does section 7 mean?

"Full time" does not mean school hours or the number of school days per year. There is no legal definition of full time for home education. Children attending school normally have about 25 hours teaching a week for 190 days or 38 weeks a year. However, home education does not have to follow this pattern. Elective home education is often almost continuous one-to-one contact and education sometimes takes place outside normal "school hours". Parents should be able to discuss the amount of time your child is being educated.

Home-educating parents are not required to:

- have a timetable
- set hours during which education will take place
- observe school hours, days or terms

The word "*efficient*" is not defined in the Education Act. However, the courts have established that education is "*efficient*" if it achieves what it sets out to achieve. This is not the same as "suitable"; a curriculum could be delivered efficiently, but not meet the child's needs and therefore not be suitable.

There is no definition of a “suitable” education in English law. The courts have previously stated “suitable” education prepares young people for life in the community of which they are a part (including participating fully in the life of the UK through secular education) and if it does close options to adopt a different lifestyle if he/she chooses. This means education should be age appropriate and enable your child to make progress according to their ability.

The latest Department for Education guidelines for parents suggests the following should also be considered when thinking about suitability:

- a) *even if there is no specific link with the National Curriculum or other external curricula, there should be an appropriate minimum standard which is aimed at, and the education should aim at enabling the child, when grown-up to function as an independent citizen in Britain, and outside the community in which he or she was brought up, if that is the choice made*
- b) *to be ‘suitable’, education at home should not directly conflict with the Fundamental British Values defined in government guidance*
- c) *local authorities may use minimum expectations for things such as literacy and numeracy in assessing suitability*
- d) *education may not be “suitable” even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which make it very difficult to work (for example in very noisy premises), or leads to excessive isolation from the child’s peers, and thus impedes social development.*

a/file/791528/EHE_guidance_for_parentsafterconsultationv2.2.pdf

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

Parents **do not** have to:

- have specific qualifications
- have premises equipped to any particular standard
- aim for the child to acquire any specific qualifications
- teach the National Curriculum
- provide a ‘broad and balanced’ curriculum
- make detailed lesson plans in advance
- give formal lessons
- mark work done by the child
- formally assess progress, or set development objectives
- have school type peer group social opportunities
- match school-based, age-specific standards or complete SATs tests.

Some parents choose to work in this way, especially if their child is likely to attend school at some point in the future or when working towards examinations such as GCSEs.

Home-educated young people often find that access to further and higher education or to employment is more flexible than generally supposed. It is useful to check what qualification requirements there may be for a particular career path, but it is possible to access further and higher education through other means, for example by providing a portfolio of work at interview with a college. Cumberland offer free access to U-explore.org, an online independent advice, careers and guidance tool. Further information about accessing exams can be obtained from our website. [Home education | Cumberland Council](#)

What does the law say about children's rights?

The UK has ratified Article 12 of the United Nations Convention on the Rights of the Child (UNCRC), which provides a right for children to express their view in accordance with age and maturity. The decision to educate a child at home or at school is a matter for the parents. When making a choice parents should consider family circumstances and whether your child will be happy to be educated in this way.

How much does education at home cost?

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

Neither local authorities nor central government provide any financial assistance to home educators, so inevitably parents and carers will incur some expense. There are many sources of help and information available these days, especially via the internet. Internet access and many other resources are available at libraries and community facilities throughout the county. If you can afford them, an extensive range of educational publications and online courses for a monthly fee are available. Some suppliers and venues will offer discounts to home educators.

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

Parents' rights and responsibilities

How to begin

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

If your child has never been registered at a school then you are not legally required to do anything, although it would help us considerably if you were to contact Andrea Brown – andrea.brown@cumberland.gov.uk. Andrea is the Business Support for the EHE/ Learning Improvement Service. She would also be happy to take details by phone 01946 505548 and put you in touch with our supportive team. You can also complete and return the HE2 form at the end of the booklet.

Pupils at school

If your child is registered at a school you must write to the school's headteacher, saying that you are now educating your child at home and you wish your child's name to be removed from the admission register. You could quote the regulation, 9(1)(c), *The Education (Pupil Registration) Regulations 1995*. The school must then remove the child's name from the school roll. Please note that consent from the local authority is required to de-register from a special school (see Children with Special Needs section below).

It is important that you de-register your child in writing, otherwise they will still be expected to attend school regularly and you risk prosecution for non-attendance even if home education is suitable. Once notification has been given to the school, the school must inform the Education department within the Local Authority.

Completing the *Notification of Elective Home Education* (Form HE2) in this pack helps us to keep our records up to date and be ready to support you.

On receipt of the information that a family is to home educate, a courtesy phone call will be made to offer general advice and support in relation to home education in Cumberland, and to ensure that pressure has not been exerted by schools on parents. This practice is called "off-rolling". If you believe that your current school is not suitable, please contact us to discuss what alternatives might be available before you de-register from school.

Children with special educational needs and disabilities (SEND)

Under Section 7 of the Education Act 1996 parents have the right to educate children, including children with special educational needs and disabilities (SEND), at home irrespective of whether the child has an Education, Health and Care Plan (EHCP). The local authority retains a duty to maintain and review an EHC plan annually as set out in the Code of Practice for SEND.

Parents with children who are registered at a mainstream school, with or without an EHCP, can elect to home educate without local authority approval. Home education must be suitable to the child's age, ability, aptitude and special educational needs, but parents do not have to arrange provision as detailed in the plan.

If your child is registered at a special school named in their EHCP, you **cannot** de-register them to be home educated without the agreement of the local authority. If your child has an EHCP and particularly if they are registered at a special school, please contact us before taking any action about home education.

Mobile families

Some families who are mobile, such as Travellers, may also choose to educate their child/ren at home. Mobile families who are home educating are asked to contact any of the officers named in this booklet when they arrive in or leave Cumberland. There are also some specific organisations to help Traveller families who wish to home educate their child/ren. Traveller families can also seek support through Traveller Education Support Services from around the country when they are mobile.

The role of the home education team in Cumberland

It may come to the attention of the home education team from a variety of sources that a young person may be being educated at home. The law allows home educators great diversity in how they educate their child(ren) and the home education team fully respects that. Cumberland staff accept that children learn in different ways and there are many valid approaches to education. When the local authority becomes aware that parents have elected to home educate, initial contact is made to ensure provision is being made. Many families find a support visit helpful either at home or another venue. The home education team believe that open, face-to-face discussion is the best way of building a useful relationship. Alternatively, a brief report could be sent to let us know what provision you are making. We understand that parents may need time to settle into home education and we wouldn't expect everything to be in place immediately; many parents tell us a support visit is helpful in getting started.

The local authority has no statutory right or duty to monitor the quality of home education on a routine basis. We do need to be sure that your child(ren) is/are receiving an appropriate education, especially when you first begin home education. We contact parents annually to offer support and gain information on what education provision is being made for a child. We try to ensure that contact is made in proportion to what we know about your educational provision. Many parents welcome the opportunity to discuss ideas, but parents are under no duty to respond. Some parents seek more frequent support, and this is available if requested.

The Home Education Team

In Cumberland home education sits within the Learning Improvement Service. Members of the Learning Improvement Service have a broad experience in education and have received additional training in elective home education with regular updates. All members have enhanced DBS (Disclosure and Barring Service) clearance.

We understand there are many different ways to learn and that it's vital that parents and children choose an approach that works for them. General Advisors are not there to tell you how to educate your child or to promote registration at school. We are here to provide support and information, and to respond when a child is not receiving a full-time education suitable for their needs, age, ability and aptitude.

What are we looking for to assess that home education is suitable?

- Education is not in conflict with British Values such as tolerance, respect for others and rule of law.
- Children are making progress over time in literacy and numeracy skills which underpins all learning.
- Children are not in isolation but have opportunities for socialising with others beyond the family.
- Children have an appropriate environment in which to learn.

If it appears that a suitable education is not being provided, the local authority will seek to gain relevant information to make an informed judgement. This includes seeking further information from the parents explaining how they are providing a suitable education. Parents are given the opportunity to address any concerns raised. Whilst parents do not

have a duty to respond, DfE guidance refers to case law (Phillips v Brown 1980) that ‘it would be sensible for them to do so’.

The most recent Department for Education guidelines for parents says:

“5.4 Some local authorities will ask to see the child at home or in another location, as well as seeing examples of work done. As parents, you are under no legal obligation from education law to agree to such a meeting or to produce specific evidence, but you should consider carefully the reasons for not doing so, what is in the best interests of your child, and what is the most sensible approach. If you do not do enough to satisfy the local authority about the education being provided at home, it may have no option but to conclude that the education does not meet the s.7 requirement.”

When you are asked for information about your child(ren)’s education, we would always prefer to meet with you. However, if you do not wish to meet either at your home or any other mutually convenient venue, information can be provided in any way that allows the authority to reach a conclusion about your provision, for example reports and diaries, examples of work, testimonials e.g. from a tutor.

You would be told in a report what the home education team is concerned about and why. Wherever possible you will have been informed of this beforehand and ways in which the provision can be improved will have been discussed with you. The authority may be able to suggest other services which may be useful to you and your child or may suggest asking other people for advice. The report will contain specific recommendations which would ensure that your child(ren) receive a suitable education. It will also suggest timescales and arrangements for future contact to ensure progress has been made.

The home education team have a statutory responsibility to ensure that all children have access to universal services and must act if it appears that children of compulsory school age in its area are not being suitably educated. We would make a referral to a Children Missing Education (CME) Officer in the Access and Inclusion Team.

CME Officers would act using Section 437(1) of the Education Act 1996. This section states:

“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 requiring him to satisfy them within the period specified in the notice that the child is receiving such education.”

Section 437(2) of the 1996 Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

Section 437(3) of the 1996 Act provides for the serving of School Attendance Orders:

If –

- a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local authority, within the period specified in the notice, that the child is receiving suitable education,

and

- b) in the opinion of the authority it is expedient that the child should attend school, the authority shall serve on the parent an order (referred to in this Act as a "school

attendance order"), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order.

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

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

Safeguarding

Local authorities have a duty to promote and safeguard the welfare of all young people. The Local Authority has a duty to consider where the lack of education is leading to suffering of considerable harm by a child. This would be where the child's social or intellectual development is being significantly impaired. In this situation the LA would use part 5 of the 1989 Children Act to begin a section 47 assessment to identify if the child is at significant harm. It should be emphasised that we believe this would be a rare occurrence.

Use of tutors

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

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

The home education team will have the necessary checks made free of charge for one person.

Disputes between Parents

Every year we have cases where two parents (usually divorced or separated, but both having parental responsibility) may disagree as to whether home education is desirable, or at least is being provided properly. We do our best to gain information about who has parental responsibility. The parent who the child lives with most is usually in control of the decision. However, there may be a family court order about this.

It should be noted that if a child is on roll at a school and does not attend, both parents are committing an offence and are at risk of prosecution.

Confidentiality and Data Protection

Cumberland Council abides by the Data Protection Act and the Human Rights Act and the home education team respects your right to confidentiality. Information can only be shared without your consent in exceptional circumstances and where there are statutory grounds to do so, for example to prevent serious harm or to detect or prevent crime.

What if I feel the authority has acted unreasonably?

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

Alternatively, you may write to:

**Martin Birch, Director of Children and Family Wellbeing, Cumberland Council,
Cumbria House, 117 Botchergate, Carlisle, CA1 1RD**

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

National and regional organisations

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

Education Otherwise <http://www.educationotherwise.org>
 PO Box 7420
 LONDON
 N9 9SG Helpline: 0845 478 6345

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

Home Education Advisory Service <http://www.heas.org.uk>
 PO Box 98
 Welwyn Garden City
 Herts AL8 6AN Phone/Fax: 01707 371854

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

Home Education <http://www.home-education.org.uk/>
 Legal guidelines, mailing lists, chat, articles, events calendar, research questionnaire, FAQs, support group listings, Northern Ireland section, scrapbook, games, quizzes and other resources.

HE Special UK <http://www.he-special.org.uk/>
 Provides information, articles, resources and mailing lists for parents of children with special needs who would like to educate at home.

Christian Home Education <http://www.homeschool.co.uk/>
 Tips and resources for Christian home schooling.

Friends, Families and Travellers <http://www.gypsy-traveller.org/>
 Tel: 01273 234777

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

Department for Education <https://www.gov.uk/>
 Government department responsible for education and a host of other matters relating to young people.

Inspira <https://www.inspira.org.uk/>
 Support and advice on education, training and careers for all young people throughout Cumberland of 15-16 years and older.