

Gloucestershire County Council

Elective Home Education Policy

Creation Date: September 2020

Review Date: September 2021

Responsible Officer for Elective Home Education: Sian Edwards

Section 1: Introduction and purpose

- 1.1 This policy has been drawn up by Gloucestershire County Council (GCC) in consultation with parents who educate their children at home. The purpose of this policy is to encourage good practice by clearly setting out the legislative position and the roles and responsibilities of the local authority, schools and parents in relation to children who are educated at home.
- 1.2 It also sets out the arrangements GCC (as the local authority) will make in order to carry out its legal duties in relation to identifying any children of compulsory school age in its area who may not be receiving a suitable education, intervening where required and in safeguarding the welfare of all children, regardless of where they are educated.
- 1.3 This policy is available on GCC's website and can be provided in local community languages and alternative formats on request.
- 1.4 Gloucestershire County Council believes that all parties involved in elective home education should be aware of their roles, rights and responsibilities. The arrangements for liaising with home educating parents and children will be fair, clear, consistent, non-intrusive and timely in order to provide a good foundation for the development of trusting relationships. The local authority seeks to achieve effective relationships with home educators that are rooted in mutual understanding, trust and respect. However, our primary aim is to ensure the best possible outcomes for, and the safety and welfare of, the children who live in our area and to intervene where appropriate and as required.
- 1.5 Furthermore, GCC believes that where it is clear that parents are providing a suitable education for their children they should be allowed to continue, free from unnecessary contact and intervention from the local authority. We seek to make our arrangements proportionate and not exert more oversight than is actually needed where parents are successfully taking on this task. Very many parents do this well and we target our resources and energies where they are most needed. This is in those situations where children are not receiving a suitable education and in support of the most vulnerable children within the home educating community. Children are not considered vulnerable simply because they are educated at home and our experience supports the DfE's view that there is no proven correlation between home education and safeguarding risk.
- 1.6 The named senior officer with oversight for elective home education policy and procedures is Sian Edwards, Locality Lead within the Education Inclusion Specialist Support Service.

Section 2: Definitions

- 2.1 **Elective Home Education**
This is the term used to describe a parent's decision to provide education for their child(ren) at home instead of sending them to school. This is a right parents have under Section 7 of the Education Act 1996. This is different to home tuition provided by a local authority, or education provided by a local authority 'other than at a school' (EOTAS). This policy is intended for use in relation to elective home

education only, i.e. where parents are taking sole responsibility to arrange their child's education.

- 2.2 Elective Home Education under Section 7 of the 1996 Education Act applies only to children of statutory school age. However, it is possible for education to be provided at home in order to fulfil the requirement for participation in learning beyond the statutory school age and up until the age of eighteen. The Youth Support Team (run by Prospects under contract to GCC) is able to offer advice and support to young people and their families to help explore the different options beyond age sixteen and will make contact with families at the end of statutory school age to establish what arrangements are being made to ensure participation in education and training up to the age of eighteen. We write to families at the appropriate time to provide more information about this and advise what information we share with Prospects.
- 2.3 Where a child is enrolled at a registered school (whether a state funded or an independent/non-maintained school or academy) he/she is **not** considered to be home educated. This includes children who may primarily be educated at home but attending a school for part of the week through, for example, an agreed flexi-school arrangement. We provide detailed information for schools and parents about flexi-schooling, which can be accessed via the home education page of the GCC website:
- <https://www.gloucestershire.gov.uk/education-and-learning/home-education/>
- 2.4 Where parents have arranged for their children to attend a setting that is not a registered school such as a 14-16 College of Further Education, a training provider or an out of school setting that does not meet the requirement to register as a school, the child would **continue to be considered by the LA as being electively home educated**. This would be the case even if the majority of the educational provision the child receives is via those types of settings.
- 2.5 **Compulsory school age**
Compulsory school age is the age when children must receive an education (it is compulsory that a child receives an education rather than being compulsory that they attend school). A child becomes of compulsory school age from the first of the following dates (31 August, 31 December or 31 March) which occurs **after** she or he becomes five years old (or if the fifth birthday falls on one of those dates, on that day) and until the last Friday in the June of the academic year in which the child turns sixteen.
- 2.6 **Parents**
Throughout this document the term 'parents' is used and the definition of a parent in education law is broader than the definition in other legislation. Parent means:
- all natural parents, whether they are married or not;
 - any person who has parental responsibility for a child or young person;
 - any person, as guardian, who has day to day care of a child or young person, i.e. lives with and looks after the child.

The local authority will need to decide who comes within the definition of parent in respect of a particular pupil when initiating any legal intervention in response to the parent failing to secure a suitable education.

The 'parent' in this case does not need to be named on the birth certificate and could be, for example, the birth parent's current partner if they are involved in the day-to-day care of the child.

2.7 **Child**

The term 'child', for the purposes of this policy, includes a child or children, a young person or young people of compulsory school age.

2.8 **Efficient and suitable education**

An efficient and suitable education is not defined in the Education Act 1996 but 'efficient' has been broadly described in case law as an education that "achieves that which it sets out to achieve", and a 'suitable' education is one that "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". Please refer to the section later in this policy for more detail on what might reasonably be expected for an education to be considered suitable.

Section 3: Reasons for Elective Home Education

3.1 Parents choose home education for a variety of reasons and at different points in their child's life. Some children will have been withdrawn from school in favour of home education and others may have never been registered at a school. The local authority's primary interest lies in the suitability of the education the parents are arranging rather than their reason for doing so. However, we are always interested in understanding the factors that informed the decision, especially where a child has been withdrawn from school. We are happy to assist in overcoming the identified factors that led to the child leaving the school and assist in facilitating a return to school if that is something the parents and child would like - either on an individual basis or for cohorts of children who are struggling with the current school offer.

The following reasons for home educating are commonly recognised by the DfE, but by no means exhaustive:

- Ideological or philosophical views which favour home education with parents wishing to provide education which is of a different character to that normally found in schools or simply choosing to walk the educational journey personally with their children, irrespective of the choices of local schools;
- Religious or cultural beliefs and a wish to ensure that the child's education is aligned with these;
- Special educational needs or a perceived lack of suitable provision in the school system for those needs;
- Dissatisfaction with a particular school or the school system generally;
- Familial reasons which have nothing to do with schools or education, e.g. health needs of the parents or waiting for a new school place following a house move;
- A child's unwillingness or inability to attend school including school phobia;
- Racism, homophobia or bullying;
- Health reasons, including emotional and mental health needs;
- Relationship and friendship issues between the child and other children at the

school;

- Concern that the child is likely to be excluded because of their behavior;
- As an interim measure whilst a school place in a preferred school of choice is being secured.
- Covid-19 (2020 specific)
 - Parents got to try home learning during lockdown and enjoyed this approach
 - Parents saw a significant improvement in their child's well-being
 - Parents are concerned about the risks of Covid-19
 - Parents or child falls into high risk groups.

Section 4: The law relating to Elective Home Education

4.1 The responsibility for a child's education rests with their parents, rather than the state. In England education is compulsory but attending school is not.

4.2 Article 2 of Protocol 1 of the European Convention on Human Rights states that:

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions".

4.3 Parents have a right to educate their children at home. Section 7 of the Education Act 1996 provides that:

"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."*

4.4 The local authority has a statutory duty under section 436A of the Education Act 1996 (inserted by the Education and Inspections Act 2006) to:

"make arrangements to establish the identities, so far as it is possible to do so, of children in the area who are not receiving a suitable education".

4.5 Under Section 437(1) of the Education Act 1996, the local authority shall intervene if it appears that parents are not providing a suitable education. This section states that:

"If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education."

Section 5: Parental rights and responsibilities

- 5.1 Parents are not required to register or seek approval from the local authority to educate their children at home, but please see the later section, which explains the differences for those children with Special Educational Needs and Disabilities (SEND) who have Education Health Care Plans (EHCPs). A free school place is provided by the state for all children, and parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations and access to specialist education support services.

Parents must also ensure that their children receive suitable full-time education for as long as they are being educated at home. Please see the later section on what is suitable, efficient and full time.

- 5.2 In many cases the first contact between local authorities and home educators often occurs when parents decide to home educate and approach the school (at which the child is registered) and/or the local authority to seek guidance about withdrawing their child from school. In other cases it occurs when the parent confirms that they have opted not to take up a school place. The local authority is able to signpost parents to a range of information, where this is requested, and GCC provides information for parents on its website:

<https://www.gloucestershire.gov.uk/education-and-learning/home-education/>

- 5.3 In April 2019 the Department for Education (DfE) produced non-statutory guidance for parents to help them understand their obligations and rights in relation to elective home education. This can be accessed via the DfE website:

<https://www.gov.uk/government/publications/elective-home-education>

- 5.4 Parents are requested to share information with the local authority in response to its informal enquiries about the arrangements that are being made at home. Parents are under no legal obligation to respond, however given that a local authority is entitled to conclude in the absence of any response that a child may not be receiving a suitable education (and seek to intervene accordingly), many parents consider it sensible to offer information when requested. As part of commitment to working in respectful partnership with parents, GCC seeks to agree at the outset the simplest and least intrusive way of sharing this information, acknowledging that there are various ways of approach this.

- 5.5 Parents wishing for their child to return to school are asked to follow the Gloucestershire County Councils In Year Admissions process. Parents have the right to express a preference for any school. Any parent can apply for a place for their child at any time to any school. They can do this by applying directly to a school using their In Year Admissions Application Form, which is available on the schools website, or a general form which can be found:

<https://www.gloucestershire.gov.uk/education-and-learning/school-admissions/applying-for-a-school-place-during-the-school-year/>

Section 6: Schools' responsibilities

- 6.1 The school will notify the local authority in which the child lives when a child leaves the school for the purposes of home education. The school must delete the child's name from their admissions register upon receipt of written notification from the parents that the pupil is receiving education otherwise than at school. In the same way that schools should not encourage or coerce a parent to de-register their child from school for the purposes of elective home education, neither should they create barriers to the parent doing so nor seek to dissuade them. The local authority does, however, encourage schools to be professionally curious about the reason behind the decision and to meet with parents to identify if there are any school-based factors that can be addressed. It is reasonable and responsible for a school to want to ensure that parents have an accurate appreciation of the nature of what they are undertaking; educating children at home works best when it is a positive, informed and dedicated choice. GCC requests that schools arrange to meet with parents when the intention to de-register for home education is expressed and whilst parents are not obliged to attend such a meeting, many will find it useful to do so. Both schools and parents can request a meeting and a member of the EHE team to be present.
- 6.2 If a parent is considering or has already decided to home educate a child who has either a Child in Need Plan or a Child Protection Plan, the designated teacher for CP at the school must, in addition to the standard notification procedures, notify the social worker and **Gloucester Safeguarding Children's Board (GSCB)** immediately. If you have concerns about the immediate safety of the child or you believe a serious criminal offence has been committed please contact the **Police** at any time on 101.
- 6.3 Schools should not delete a child from the school's register for the reason of Elective Home Education without written notification from the parent, but should notify the local authority of this intention at the earliest opportunity at the earliest opportunity. Schools must make a return to the local authority that includes the child's name, address, contact details of any parent with whom the pupil normally resides and the grounds upon which their name is to be deleted from the register (with a copy of the letter from the parent). This should happen as soon as the grounds for deletion are met and no later than deleting the pupil's name from the register. The local authority provides a standard 'de-registration form' for schools to use for these purposes to enable consistency across the area.
- 6.4 If a child is registered at a school as a result of a School Attendance Order (SAO), the parents must get the order revoked by the local authority, on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be deleted from the school's register and educated at home.
- 6.5 There are separate arrangements where a child is registered at a special school, as set out in the section on Special Educational Needs found later in this policy document.
- 6.6 When a parent wishes for their child to return to any school they are required to go through the In Year Admissions process. If the parent prefers to apply for an In Year Place at the school where they left prior to their Elective Home Education, the school

must treat this application as a new application. All schools with spaces available must offer a place to a child who has applied for one. We would expect the school to readmit a child if that is what the parents has requested and if there is space available.

Section 7: Local authority responsibilities

7.1 Gloucestershire County Council has a duty to work within the legislative framework around Elective Home Education and its wider responsibilities towards children who live in our area. It is additionally informed and guided by the non-statutory guidance to local authorities on Elective Home Education issued by the DfE in April 2019:

<https://www.gov.uk/government/publications/elective-home-education>

7.2 Namely, a local authority has a statutory duty under section 436A of the Education Act 1996 (inserted by the Education and Inspections Act 2006) to make arrangements to establish the identities, so far as it is possible to do so, of children in the area who are not receiving a suitable education. Simply because a child is being educated at home does not mean they are failing to receive a suitable education and very many of the children educated at home are receiving a suitable education. Some, however, will not be and nationally there is concern that the number in that group may be rising. Therefore, even in those circumstances where the local authority is aware that a parent is exercising their right to educate their child at home, we will make informal enquiries as to the arrangements that are in place to ensure that a suitable full-time education is being provided. We will work with parents to agree the way of doing this.

7.3 A local authority has a duty to act if it appears that parents are not providing a suitable full-time education and a refusal by parents to provide any information in response to the local authority's informal enquiries will, in most cases, cause the local authority to consider that there is no suitable full-time education being provided.

7.4 Gloucestershire County Council has certain statutory responsibilities towards all children who live in the county (regardless of whether they are registered at a school or not) and our role in relation to home education is part of our wider responsibilities, including safeguarding.

7.5 The local authority has no statutory duties in relation to monitoring the quality of home education on a routine and ongoing basis in those cases where parents have shown that a suitable full-time education is being provided. However, in line with the overwhelmingly vast majority of parents, our primary concern is to act in the interests of the child and we believe in the importance of maintaining contact with families is in the interest of the child. In line with the April 2019 DfE Guidance to Local Authorities, Gloucestershire County Council will endeavour to maintain at least annual contact via telephone, e-mail and/or home visits as appropriate. Maintaining contact with families who educate their children at home is a legitimate part of the local authority's overall responsibilities towards the children living in its area as set out in, for example, S13A of the Education Act 1996, Sections 10 and 11 of the Children Act 2004 and s175 of the Education Act 2002.

- 7.6 To support the local authority in fulfilling its duties, it maintains a list of the children it understands to be educated at home. The local authority is notified of children who are educated at home either through schools informing it when a child leaves the school for the purposes of home education, when a parent informs it, or when another local authority notifies it that a home educating family has moved from their area to Gloucestershire. Gloucestershire County Council will similarly notify other local authorities when a family who are home educating relocates to another local authority area. For information on how GCC uses and stores your information please refer to the section further on in this policy document.
- 7.7 GCC has a Children in Care policy which is also applied around Elective Home Educated Children in Care. Please refer to their policies.

<https://www.gloucestershire.gov.uk/vschool/policies-procedures-and-resources/statutory-guidance-and-documents/>

Section 8: Rights of children

- 8.1 Whilst S436A of the Education Act 1996 places no obligation on a local authority to do so, GCC believes that it should always seek to understand the views of the child in all matters that concern them and their education and that it is important they have an opportunity to comment on how they view things. In line with the Children and Families Act 2014, we consider the voice of the child to be central to the way we work with families. In exercising its responsibilities GCC would not wish to overlook an opportunity to seek the views of the child. Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) requires states to provide a right for children to express their views and for due weight to be given to those views, in accordance with the age and maturity of the child. We appreciate that there are different ways of approaching this and we will be guided by the child's parents and any additional needs the child may have in approaching this task. However, a local authority cannot insist on seeing or speaking to a child, for the purposes of fulfilling its duties under S436A of the Education Act 1996, but would wish to fully understand the reasons why a parent might refuse this and seek to reach an agreement over how best to proceed.

Section 9: Suitable, efficient and full-time education

- 9.1 There are no specific legal requirements as to the content of home education, provided the parents are meeting their duty in s.7 of the Education Act 1996, i.e. to secure an efficient, suitable full-time education. This means that education does not need to include particular subjects, does not need to have regard to the National Curriculum and there is no requirement to enter children for public examinations. Home education arrangements may legitimately cater specifically for particular aptitudes which a child has, even if that means reducing other content.
- 9.2 Whilst there is no definition of a 'suitable' education in English statute law (a court will reach a view of suitability based on the particular circumstances of each child and the education provided), we work on the premise set out in Section 7 of the 1996 Education Act that the education will be:

Full time (however, there is no legal definition of full-time for these purposes, but education and learning would be a significant feature of the child's week and be viewed as the child's principal occupation)

Efficient (this means it must achieve what it sets out to). It is important this concept is not confused with suitability. A wholly unsuitable education can be efficiently delivered.

Suitable to the child's age, ability and aptitude and any special educational needs they may have. The education must equip the child for life within the community in which they live but must not limit their options later in life to adopt some other mode of living, and to be capable of living on an autonomous basis so far as he or she chooses to do so.

- 9.3 Where the decision to home educate is informed by cultural or religious reasons it follows that the education may reasonably be expected to be shaped and influenced by the values and beliefs held by the community to which the family belong. However it should be sufficiently secular to enable a child to participate fully in life in the UK and if the home education provided by a family promoted extremist views towards people of a particular race or gender, it could not be considered suitable (even if these views were compatible with those of the community in which the child lived) as these would be incompatible with 'Fundamental British Values' as defined in Government Guidance.
- 9.4 Gloucestershire County Council operates with a deep appreciation that education and learning can take many different forms and look different depending on the philosophy and approach being taken. We appreciate that what is suitable for one child may not be for another; however, all children should be involved in a learning process in which there is progress in terms of knowledge and skills and the ability to apply these.
- 9.5 We do not expect the National Curriculum to be followed nor do we assume that because the provision being made by parents is different from that which was being made or would have been made in school, the provision is necessarily unsuitable. We accept the DfE's view that there is no basis in law for the idea of 'de-schooling' and that an extended period of time in which there is no education and learning taking place cannot represent a period in which a suitable education is in place. However, we appreciate that it may take a short period of time for home education arrangements to become fully established and that it may be difficult for parents to be able to fully demonstrate the suitability of the arrangements in the very early days.
- 9.6 Parents may choose to engage private tutors or other adults to assist in providing a suitable education, but there is no requirement to do so. There are other settings which may be used to supplement the education being provided at home, for example groups run by home educating parents coming together to offer learning experiences, and companies which provide part-time face to face or on line tuition. This can also include provision made at further education colleges for children aged fourteen and over or a training provider (there is further information in the section entitled safeguarding later in this policy document).
- 9.7 We would reasonably expect the provision parents are making at home or through accessing tutors and/or out of school settings to include the following characteristics,

regardless of the methodology being used, in order to be considered suitable:

- it enables the child to develop and apply literacy and numeracy skills; there is consistent involvement of parents or other significant carers - it is expected that parents or significant carers would play a substantial role, although not necessarily constantly or actively involved in providing education (as private tutors may be used);
- there is recognition of the child's needs and aspirations and evidence that this is planned for;
- the child is stimulated by and engaged in their learning experiences;
- there is ready access to resources/materials required to provide home education for the child - such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT;
- learning journeys are incremental and it is clear that there is progression in terms of skills and knowledge and the child's ability to apply these. However, we recognise that children learning at home may make progress in different ways to children being educated in a school context and may be influenced by any additional needs the child has and their starting points. We will not expect to see a strict linear model of progression against age-related expectations or evidence of standardised assessments;
- the environment is safe and conducive to learning;
- the education is not simply focussed around the development of skills and knowledge, but includes socialisation. Very marked isolation from a child's peers can indicate possible unsuitability of the arrangements in place.
- it aims to prepare the child for adulthood;
- where the child has an EHCP: the education supports the development of the agreed outcomes set out in Section E of that plan.

Section 10: Intervention where the education at home is not considered suitable

- 10.1 Our starting point will be to work in partnership with parents, for the benefit of the child, to enable the parents to be able to demonstrate the suitability of the arrangements in place.
- 10.2 Where it appears that a children being educated at home may not be receiving a suitable education contact will normally be made in writing to the parents to request further information. A written report will be made after this information has been received and reviewed and sent to the parents stating whether the authority has remaining concerns about the education provision and specifying what these are.

This is in order to give the child's parents an opportunity to address them. Where concerns about the suitability of the education being provided for the child have been identified, more frequent contact may be required while those concerns are being addressed. In these cases the local authority's link home education officer will discuss this with the child's parents, with a view to helping them provide a suitable education that meets the best interests of the child.

- 10.3 If the local authority is not satisfied that a suitable education is being provided and the parents have been given a reasonable opportunity to address the identified concerns through the informal arrangements described above, the authority is required to consider sending a formal notice to the parents under Section 437 of the Education Act 1996 before progressing, if needed, to the issuing of a School Attendance Order (SAO).

Section 437(3) of the Education Act 1996 refers to 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 education 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."

- 10.4 A SOA will only be served after all reasonable steps have been taken to try to resolve the situation. At any stage following the issue of the Order, parents may present evidence to the local authority that they are now providing a suitable full-time education and apply to have the Order revoked. If the local authority refuses to revoke the Order, parents can choose to refer the matter to the Secretary of State. If the local authority prosecutes the parents for not complying with the Order (i.e. presenting the child at the school named in the Order) then it will be for a court to decide whether or not the education being provided is suitable and efficient. The court can revoke the Order if it is satisfied that the parent is fulfilling his or her duty. It can also revoke the Order where it imposes an Education Supervision Order (ESO). An ESO can be issued by the Magistrates Court and would give the local authority far greater say in the child's home education than would otherwise be the case.
- 10.5 Unsuitable or inadequate education can impair a child's intellectual, emotional, social or behavioural development. Whilst we will approach all cases where the suitability of home education is in doubt using powers in the Education Act 1996, we will exercise our safeguarding powers if the lack of education appears likely to impair a child's development, and if the steps described above (intervention under education law) may be unlikely to sufficiently address the risk to a child's welfare and development. Please see the section further in this policy document on safeguarding for further detail.

Section 11: Special Educational Needs and Disabilities (SEND)

Please also refer to paragraphs 10.30 – 10.38 of the SEND Code of Practice.

- 11.1 Where a child has an Education, Health and Care Plan (EHCP) and is home educated, it remains the local authority's duty to ensure that the child's needs are met and we will therefore work in partnership with parents to coordinate an annual review of the EHCP in line with the requirements of the SEND Code of Practice. The annual review provides an opportunity for information to be updated about the home education arrangements that are in place. The decision is made at each annual review (as is the case when a child is registered at a school) as to whether it is necessary to continue to maintain an EHCP and whether any amendments are required to the plan to reflect, for example, any change in needs, progress the child has made or to the outcomes in the Plan.
- 11.2 Where the local authority is satisfied that the child's parents are providing a suitable education at home, it does not have to name a school in the Plan; rather it would describe the type of school the local authority considers appropriate and that '*parents have made their own arrangements under Section 7 of the Education Act 1996*'. The local authority is under no duty to arrange the provision specified in the Plan if the parent is arranging a suitable education at home and the Plan will set out what the local authority will provide if the child were not being educated at home.
- 11.3 If the child who is to be withdrawn from the school is a pupil at a special school (as arranged by the local authority) the school must inform the local authority of the parents' intention to home educate before the child's name can be deleted from the school roll
- 11.4 The local authority will need to consider whether the home education arrangements proposed by the parent are suitable before agreeing to the pupil being de-registered and amending the Plan accordingly. The school will not take the pupil off roll before the agreement has been obtained from the local authority that maintains the plan. This can be discussed in more detail with the SEN Case Coordinator linked to the child's case.
- 11.5 A parent who is educating their child at home may ask the local authority to carry out a statutory assessment or reassessment of their child's special educational needs. The local authority will consider the request within the same statutory timescales and in the same way as for all other requests, although it may be more difficult to evidence the child's support needs.
- 11.6 Parents may wish to contact SENDIASS Gloucestershire who offer impartial information, advice and support to parents of children and young people with special educational needs, including other sources of independent information and details of local and national voluntary and parent groups.

Telephone: 0800 158 3603

Website: <https://www.sendiassglos.org.uk/>

Section12: Safeguarding

- 12.1 Where parents engage private tutors they should undertake the necessary checks that the person is suitable to work with children. The Gloucestershire Safeguarding Children Executive (GSCE) provides a leaflet for parents to assist them in this task and is available on the GSCE website:

<https://www.gscb.org.uk/media/2091315/ehe-child-protection-leaflet-2019.pdf>

- 12.2 Where parents are using out of school settings and groups (and where the organisation does not meet the requirement for registering with Ofsted as a school) the DfE has produced guidance to help parents think about some of the questions they would want to ask the person who runs the setting in order to reassure themselves that the setting is a safe place. This can be accessed via the elective home education page on the GCC website:

<https://www.gloucestershire.gov.uk/education-and-learning/home-education/>

- 12.3 Sometimes a setting may be operating as a school but has failed to register as a school and parents can use the OFSTED website to see whether a school is registered. It is illegal for a person to operate an unregistered school and there is an expectation that local authorities, operating within DfE guidance, identify and alert the DfE and Ofsted to any settings in its area that **may be** operating as an unregistered school. Further information about unregistered schools, and the potential risks these pose, can be found on the GCC website:

<https://www.gloucestershire.gov.uk/education-and-learning/unregistered-schools-and-out-of-school-settings/>

- 12.4 Local authorities have the same safeguarding responsibilities under Section 175(1) of the Education Act 2002 for children educated at home as for all other children. It does not, however, give local authorities powers to enter the homes of, or otherwise see, children for the purposes of exercising their duties around elective home education. Whilst the contacts that arise between link home education officers and families are not for the purposes of welfare or safeguarding checks, officers must escalate any immediate safeguarding concerns about the safety and welfare of a child using the locally agreed procedures:

https://www.proceduresonline.com/swcpp/gloucestershire/p_report_concerns.html

- 12.5 Where the suitability of home education is in doubt, the local authority will approach all cases using powers in the Education Act 1996 and will exercise its safeguarding powers if the lack of education appears likely to impair a child's development or if the steps described above (intervention under education law) may be unlikely to sufficiently address the risk to a child's welfare and development. It should be noted that **a failure to provide suitable education is capable of satisfying the threshold requirement contained in s.31 of the Children Act 1989 that the child is suffering or is likely to suffer significant harm.**

Whether the provision of unsuitable education amounts to significant harm must always depend on the particular circumstances of the child. The use of safeguarding

powers will only be used when justified and with reference to Gloucestershire's published Levels of Intervention Guidance available on the Gloucestershire Safeguarding Children's Executive website:

<https://www.gscb.org.uk/media/2100844/gloucestershire-revised-loi-guidance-v6-feb-2020.pdf>

and, as part of our multi-agency response to safeguard children as underpinned by the governments 'working together':

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Section 13: Review arrangements

- 13.1 This policy, together with the local authority's procedures and practices in relation to elective home education will be reviewed again in September 2021. In determining and reviewing our policy we seek to engage with home educating parents in the spirit of partnership working.

Section 14: Complaints and compliments

- 14.1 Gloucestershire County Council takes all complaints seriously. We will do our best to seek resolution, learn from feedback and wherever possible improve the services we provide to children, young people, parents and carers. It is important, for these reasons, that we are made aware of your concerns. You can give us feedback using any of the following methods:

- You can phone us on 01452 427622
- You can email a staff member within the home education team via ehe@gloucestershire.gov.uk
- You can email us at corporatecomplaintsteam@gloucestershire.gov.uk
- You can complete a feedback leaflet and post it to us (free of charge). These can be found in Gloucestershire County Council reception areas or can be sent to your home, by request.
- You can write a letter to: Complaints Manager, Complaints Team, Gloucestershire County Council, Shire Hall, Westgate Street, Gloucester, GL1 2TG

Section 15: How we use your information

- 15.1 We process the personal data that we collect for a number of different purposes. This privacy statement gives a general overview of how we use personal data. In some cases individual services provided by us will have their own, more specific, privacy notice. You can find these privacy notices by clicking on the link below:

<https://www.gloucestershire.gov.uk/council-and-democracy/data-protection/service-specific-privacy-notice/>