



Llywodraeth Cymru  
Welsh Government

# Elective home education

Non-statutory guidance for local authorities



## Guidance

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# Elective home education

## **Audience**

Local authorities (LAs) and other interested parties.

## **Overview**

This document provides non-statutory guidance for LAs on developing and maintaining relationships with the home-educating community. It also seeks to clarify the rights of home-educating parents/carers and the responsibilities of LAs.

## **Action required**

LAs should have due regard to this guidance in carrying out their statutory responsibilities and in engaging with home-educating families.

## **Further information**

Enquiries about this document should be directed to:

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## **Additional copies**

This document can be accessed from the Welsh Government's website at [gov.wales/educationandskills](http://gov.wales/educationandskills)

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## Ministerial foreword

Every child has a right to an education. Most children in Wales are educated in school, but some parents/carers choose to educate their children at home.

Home-educating parents/carers and local authorities (LAs) have the best interests of the child in common. This guidance builds on that common ground and sets a new context for developing positive relationships and mutual respect between LAs and the home-educating community, and the provision of advice and support. It also aims to clarify the balance between the rights of parents/carers to home-educate, the rights of children to receive a suitable education and the responsibilities of LAs.



A handwritten signature in black ink that reads "Kirsty Williams".

**Kirsty Williams AM**  
**Cabinet Secretary for Education**

# Introduction

The vast majority of parents<sup>1</sup> in Wales choose to have their children educated in school. However, some parents choose to educate their children at home. This is known as elective home education (EHE). Data collected by the Welsh Government indicates that the number of parents choosing to home-educate has increased in recent years. More information can be found in *Pupils educated other than at school, 2015/16* ([www.gov.wales/statistics-and-research/pupils-educated-other-than-school/?lang=en](http://www.gov.wales/statistics-and-research/pupils-educated-other-than-school/?lang=en)).

This guidance replaces chapter six of the guidance issued in 2006, National Assembly for Wales Circular No: 47/2006, *Inclusion and pupil support*. It is intended for LAs, but it may also be useful for home educators and groups supporting home education. It seeks to encourage a more consistent approach to working with and supporting home-educating families by drawing on examples of good practice and clarifying the law regarding EHE and LAs' wider statutory responsibilities.

This guidance is not exhaustive and LAs' judgements will need to take into account the circumstances of individual home-educating families.

## Reasons for elective home education (EHE)

The EHE community in Wales is a diverse population with families choosing to home-educate for a variety of reasons. These include:

- ideological or philosophical
- health (including emotional health and well-being)
- cultural
- religious
- bullying
- special educational provision
- language choice
- length of school journey
- awaiting a place in school of their choice
- flexibility and tailoring of approach.

Home education can provide a 'freedom of learning' which focuses on the subjects most engaging for the child. Parents may educate their children in a wide variety of ways and in a number of different environments. Many home-educating parents feel that they are able to meet their children's individual needs and learning style more effectively than in a classroom.

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<sup>1</sup> In this guidance, 'parent' has the same meaning as in section 576 of the Education Act 1996 and therefore includes a person who has parental responsibility for a child and a person who has care of a child.

## Rights and responsibilities

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.

### Parents' rights and responsibilities

The right to home-educate is not a fundamental one. It is conditional on parents providing their child with an 'efficient' and 'suitable' education. Parents may educate their children at home providing they fulfil the requirements of section 7 of the Education Act 1996.

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

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

either by regular attendance at school or otherwise.

Parents may decide to home-educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home-educate at any other stage up to the end of compulsory school age.

Parents are not required to register or seek approval from the LA to home-educate their children. Parents who choose to home-educate their children must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. However, LAs are encouraged to provide support where resources permit.

### Removing a child from the school's admission register

If a child is registered at a school their name cannot be removed from the school roll unless the school receives written notification that the child is to be home-educated<sup>2</sup>. Where the child is attending a special school under arrangements made by the LA, parents must obtain permission from the LA before the child's name can be removed from the register.

On no account should parents be encouraged to remove their child from the school register to avoid exclusion or prosecution for failing to ensure that their child has attended school. LAs should routinely analyse the reasons why parents choose to home-educate. This will help to identify any patterns or themes regarding parents' reasons for home-educating. In some cases LAs will be able to take action to address concerns.

<sup>2</sup> Regulation 8(1)(d) of the Education (Pupil Registration) (Wales) Regulations 2010.

In analysing the reasons, LAs might not only better understand home education, but be in a better position to develop and implement measures to encourage and support families to keep their children in school.

After the school receives written notification of a parent's intention to home-educate their child(ren), the name of the child(ren) must be removed from the admissions register (Regulation 8(1)(d) Education (Pupil Registration) (Wales) Regulations 2010). The school (including those in the independent sector) must make a return (giving the child's name and address) to the LA within the 10 school days following the date of removal (regulation 12(3)).

Where the LA has received notification of the school of a child's withdrawal with the intention of being home-educated, the LA should write to the parents to acknowledge receipt of the notification. The LA should also consider whether there is evidence to indicate a cause for concern over the withdrawal. Where there are concerns such as those listed under the 'Supporting the home-educating community' section of this document (page 12), advice should be sought from the Education Welfare Service and relevant agencies and support or help made available to the family.

If a parent, having home-educated their child, wishes for their child to return to school, they should submit an application in writing to the LA or the school when it is the admission authority.

## **LAs' responsibilities**

LAs are not responsible for the provision of EHE or under any statutory obligation to support it. However, under section 436A of the Education Act 1996, LAs do have a duty to make arrangements to identify children not receiving a suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll and who are not receiving a suitable education otherwise than being in school (e.g. at home, privately or in alternative provision).

### **Section 436A**

- (1) A local authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but
- (a) are not registered pupils at a school, and
  - (b) are not receiving suitable education otherwise than at a school.

"Suitable education", in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.

A school attendance order (SAO) applies in cases when a parent of a child of compulsory school age fails to prove that the child is receiving suitable education and where the authority believes the child should attend school.

### **Section 437 of the Education Act 1996 – School attendance orders**

- (1) 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.
- (2) That period shall not be less than 15 days beginning with the day on which the notice is served.
- (3) 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.
- (4) A school attendance order shall (subject to any amendment made by the local authority) continue in force for so long as the child is of compulsory school age, unless—
  - (a) it is revoked by the authority, or
  - (b) a direction is made in respect of it under section 443(2) or 447(5).
- (5) Where a maintained school is named in a school attendance order, the local authority shall inform the governing body and the head teacher.
- (6) Where a maintained school is named in a school attendance order, the governing body (and, in the case of a maintained school, the local authority) shall admit the child to the school.
- (7) Subsection (6) does not affect any power to exclude from a school a pupil who is already a registered pupil there.
- (8) In this Chapter—

“maintained school” means any community, foundation or voluntary school or any community or foundation special school not established in a hospital.



For more information on school attendance orders (SAOs) please consult the *All Wales Attendance Framework* ([www.gov.wales/topics/educationandskills/schoolshome/pupilsupport/framework/?lang=en](http://www.gov.wales/topics/educationandskills/schoolshome/pupilsupport/framework/?lang=en)).

## **Children's rights**

The Welsh Government has adopted the United Nations Convention on the Rights of the Child (UNCRC) as the basis for all its work for children and young people. The Rights of Children and Young Persons (Wales) Measure 2011 imposes a duty on the Welsh Ministers to have due regard to children's rights, as set out in the UNCRC. The Children's Rights Scheme 2014 sets out the arrangements for Welsh Ministers to comply with the duty to have due regard to children's rights when exercising any functions.

The Welsh Government's Programme for Children and Young People is based around the seven core aims for children and young people which summarise the UNCRC and form the basis for decisions on national priorities and objectives. They also form the basis for decisions on strategy and service provision locally.

Article 12 of the UNCRC provides 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. This does not, however, give children authority over parents. LAs, through their services supporting the participation of children and young people, should consider how the individual and collective voices of EHE children and young people can be heard and, if appropriate, taken into account.

Article 28 of the UNCRC states that all children have a right to an education and that primary education should be compulsory and free. Article 29 says that education should develop each child's personality and talents to the full. However, one of the underlying principles of the UNCRC is the best interests of a child, and Article 3 of the UNCRC requires all adults to think about how their decisions will affect children and to do what is best for the child.

The Children's Rights Wales website ([www.childrensrights.wales](http://www.childrensrights.wales)) has been designed to help practitioners, policy makers and stakeholders develop their understanding of children's rights and how to adopt a children's rights perspective in their work.

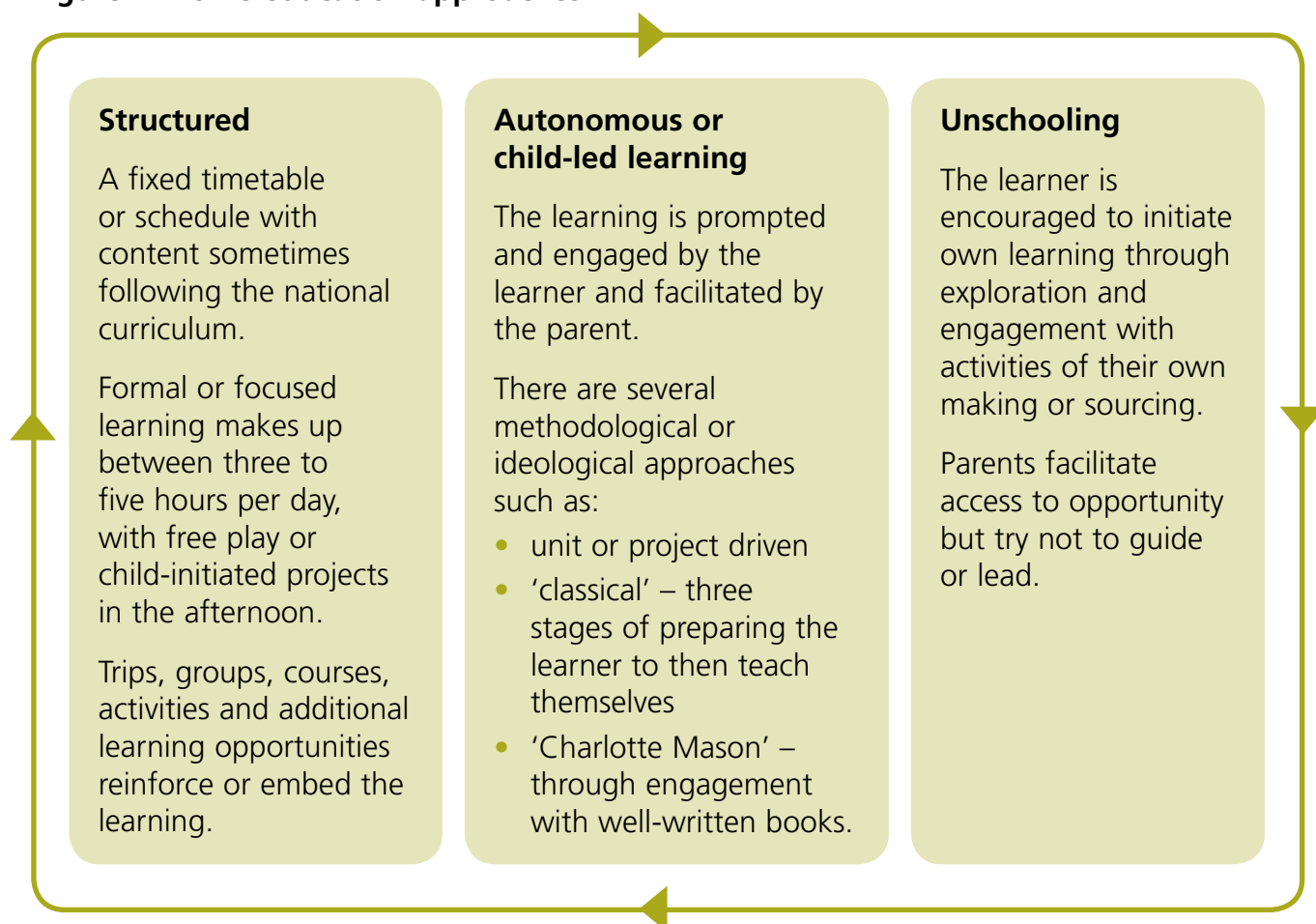
## Home education approaches

Children who are home-educated are not required to follow any specified curriculum or meet criteria for the number of learning hours. The home education approach can be anywhere on a continuum from a formal, structured, schedule-based and mostly within the home environment, through to autonomous or child-led education or unschooling (see Figure 1).

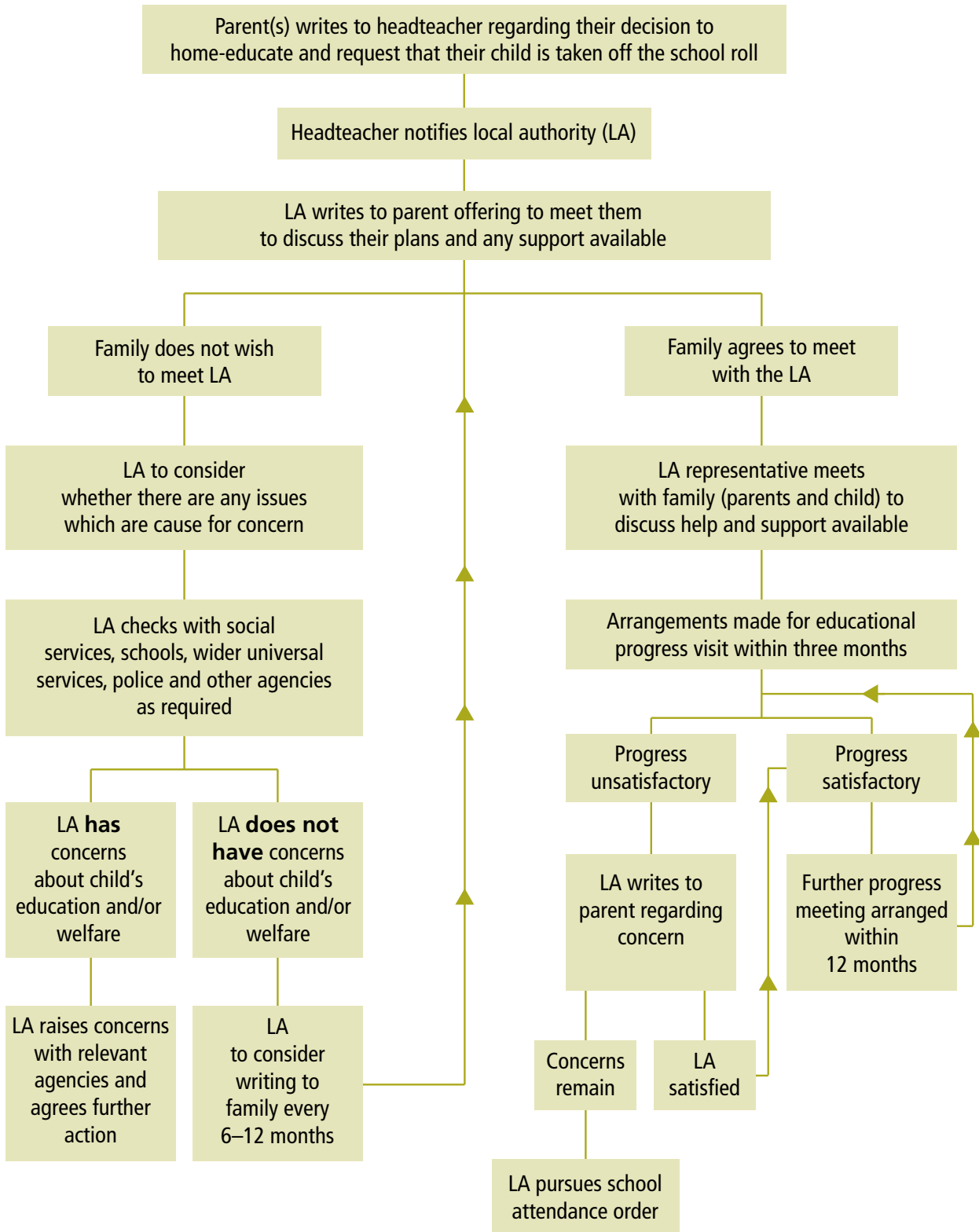
The approach used can be tailored to the child's needs, interests and learning styles. Moreover, it can vary over time and subject. For example, a child might move from a more autonomous approach when younger to one that is more structured for GCSEs. Over the course of a year, home education may be more structured throughout the winter and more responsive to the weather or local opportunities during the summer. Some subjects like mathematics may be delivered with a structured approach, while others like history by autonomous project.

It is important where LA officers are able to offer advice on the education provided, they recognise the customs, practices and standards in school-based education are not necessarily relevant to home education. Any advice should therefore be based on the individual circumstances of each case.

**Figure 1: Home education approaches**



**Figure 2: Steps a LA might take when a family has decided to home-educate**



## Policies and procedures

### Early intervention and conflict resolution

For some parents who choose to withdraw their child from school in order to home-educate, the decision often does not come out of the blue. In some cases there may be a history of disagreement between the family and the school or LA. Often the disagreement revolves around what is best for the child. Some instances may involve unresolved concerns about bullying, disagreements about the arrangements to meet a child's needs, or even conflicts with a school staff member. In these instances parents should be encouraged to continue to engage with the school to discuss their concerns. However, all schools and LAs have complaints procedures which can be followed if parents' concerns remain unresolved.

In the interests of the child's well-being, the resolution of such concerns should be the overriding aim. All LAs will have arrangements for local parent partnership services which can help prevent difficulties from escalating into disagreements and ensure that parents have access to information, advice and guidance so they can make appropriate and informed decisions.

The school and LA may want to consider initiating a process of mediation to resolve such conflicts (see Example 1). This may involve the use of specialist officers and specialist advocacy services. It is recommended that follow up meetings take place once a resolution has been reached to ensure continued agreement.

Where there have been disagreements, LAs should ensure that all aspects of potential education otherwise than at school are explored with the family. Schools and LAs should bear in mind that parents may opt for EHE when such conflicts cannot be resolved.

### Example 1: Practical examples – early intervention and conflict resolution

#### Cardiff

The 'Fair Access Panel' is a multi-disciplinary panel, the role of which is to identify issues that might lead to EHE and working with families and schools to seek resolution. The panel is comprised of operational managers from the Education Welfare Service, Youth Service, education otherwise than at school (EOTAS), educational psychology, Child and Adolescent Mental Health Services (CAMHS) and special educational needs (SEN) and headteachers on rotation are present. All professionals can refer a case to be heard by the panel as long as they can justify that a raft of measures has already been attempted to resolve the issue. The panel will develop a package of intervention and support to resolve issues in a range of areas, including SEN, attendance, health and well-being and behaviour.

## Ceredigion

The EHE adviser's primary role is as an Education Welfare Officer. She is well placed to ensure that issues which might lead parents to choosing to home-educate are resolved with support and guidance. The LA allows access to the children and young people's universal advocacy service in Ceredigion, which is provided by Tros Gynnal. This can mean that the child's and the family's voice are heard on issues that might lead to EHE.

De-registration from school initiates a swift first contact to ensure that the choice to home-educate is a positive one and not a decision in response to an unresolved problem or unmet need.

## Flexi-schooling

Flexi-schooling or flexible school attendance is an arrangement between the parent and the school, where the child is registered at school in the normal way but attends the school on a part-time basis. The remainder of the time the child is home-educated.

Flexi-schooling is generally a short-term measure to address a particular issue or concern. Some advantages and disadvantages of flexi-schooling are referred to on home education websites (see 'Useful websites and resources', page 24).

The decision and provision of flexi-schooling is an arrangement between the parent and the school, more often than not with agreement from the LA. Although flexi-schooling is more prevalent in some LAs than others, it is the headteacher's decision whether this arrangement is made.

## Truancy sweeps

Those taking part in truancy sweeps, including police officers, should be aware that there may be valid reasons why school-age children may be out of school. In particular, they may encounter children who are home-educated and not required to be at school.

No further action should be taken where children indicate they are home-educated unless there is a reason to doubt that this is the case. Home-educating parents need to be made aware that professionals involved in truancy sweeps may need to verify any information given to them in these circumstances. To make sure this is a fast and efficient process, LAs are advised to maintain a list of all school-age children known to them who are home-educated. This list can then be checked by the LA staff as part of a truancy sweep. For further information on good practice in relation to truancy sweeps please refer to the *All Wales Attendance Framework* ([www.gov.wales/topics/educationandskills/schoolshome/pupilsupport/framework/?lang=en](http://www.gov.wales/topics/educationandskills/schoolshome/pupilsupport/framework/?lang=en)).

## Supporting the home-educating community

### **Supporting EHE families**

Many families who have chosen to home-educate say they have done so following a lot of agonising and weighing up of factors. For some the choice means making sacrifices. In many cases it will mean incurring additional financial costs, as families take on the responsibility for accessing resources and paying for examinations. In some cases it may mean living on one salary as one parent devotes their time to educating one or more children.

The relationship between the LA and home-educating parents can have an important and positive impact on the child's education. It is important, therefore, that LAs adopt an understanding and supportive approach with home-educating families. It is through this type of approach and the building of trust that parents may be more willing to engage with the LA (see Example 2).

### **Meeting EHE families**

It is recommended that an initial meeting takes place with EHE families to discuss their provision and any advice and ongoing support they may need. Contact with the family should normally be made in writing and should seek a meeting or request a written update. Meetings should take place at mutually agreed locations. Thereafter it is recommended that the LA seeks to make contact with home-educating families at least once a year. Where parents elect not to meet LA officers in their home, alternative arrangements should be sought.

These meetings are an opportunity to provide information and support to home-educating families, to listen and respond to any concerns they have. They also provide an opportunity to discuss the views of home-educated children and young people regarding the education they are receiving, their preferences, aspirations and ambitions. LA officers may wish to ask families to see specific examples of learning, e.g. pictures, paintings and models, diaries of educational activity, projects, assessments, samples of work, books or educational visits.

The LA should prepare a report after such contact, which should be copied to the family, stating whether the LA has any concerns about whether a suitable education is being provided. The report should detail any recommendations made by the LA and any actions to be taken by the LA on behalf of the parents.

Any telephone communication should be followed up with a written confirmation of what has been discussed and agreed.

LAs are required to make arrangements to identify children of compulsory school age who are not receiving a suitable education (see 'LAs' responsibilities', page 5). By using these meetings to develop good relationships with EHE families and maintain a positive dialogue with parents, LA officials are in a better position to support families that might be struggling to provide a suitable education.

## Example 2: Practical example – engagement with EHE families

### Anglesey

The LA holds bi-annual meetings for EHE families at a local venue. The events feature information sharing and training on topics such as internet safety by the police and GCSE qualifications by examination boards. The events provide an opportunity to access services such as Careers Wales and health.

## Practical considerations

LAs should provide home-educating parents with a named contact whose role it is to provide advice and support to home-educating families. It is recommended that the officer has a professional background in education and is able to understand and support a range of educational philosophies. The officer should receive training on safeguarding which will enable them to fulfil their responsibilities effectively in respect of child protection. The role should include maintaining positive relationships with home-educating parents, raising awareness of home education within the LA and signposting parents to support networks and educational opportunities from which their children may benefit.

It may be helpful for the contact person to be referred to as an 'adviser,' 'home-educating consultant' or 'home-educating coordinator' rather than an 'inspector', 'assessor', 'education social worker' or 'education welfare officer'. LAs should organise training on the law and home education methods for all of their officers who have contact with home-educating families.

It is recommended that LAs have a written policy on EHE which has been prepared in consultation with home-educating families. It might include details of advice and support networks, links to youth support services or out of school hours' provision, as well as LA policies and procedures in relation to EHE. The policy should be accessible on the LAs website and made available to all families choosing to home-educate. When communicating with families, LAs should take account of any cultural or linguistic considerations.

## Working with home education networks and groups

LAs should seek to develop positive working relationships with home-educating networks and groups in their area. There are already examples of supportive relationships in a number of LAs (see Example 3). This is particularly helpful to families who have recently made the decision to home-educate and need support. Such groups often cover a number of local authority areas. Some have achieved charitable status, while others are more informal networks. These groups can be an invaluable help to parents in advising, guiding and even inspiring them in their new undertaking. They can, above all, provide important learning experiences, courses, visits, etc., to enhance home education provision for the children and young people who participate. The groups can also provide children and young people with opportunities to develop friendships with other home-educated children and young people.

Parents may have had little or no experience of home-educating. It may take time for them to establish the most suitable routine and to make the major adjustments necessary in delivering effective home education. If they are completely new to home-educating they may be unaware of any kind of support and advice available. They may also be unaware of local, national and international support networks for home education. Where LAs are aware of such groups or networks, they should pass on the contact details to families new to EHE or new to the area.

It is also recommended that LA officers, in the course of their engagement with these groups, raise awareness of training opportunities on safeguarding and child protection available to practitioners working with children and young people.

### **Example 3: Practical example – supporting home-educating groups**

#### **Bridgend**

The service level agreement between the LA and the Bridgend Home Educators is unique in Wales. The LA provides a community hall for the group to use on one day per week. This is a versatile facility with a large space for play as well as smaller rooms for learning. They deliver mathematics, English and science at GCSE, environmental science, and a range of other subjects, including a GCSE in Astronomy. The group also delivers the Jon Muir Award – an environmental award which encourages people of all backgrounds to connect, enjoy and care for wild places through a structured yet adaptable programme.

The LA provides the group with a grant of £5,000 per year which is used largely to pay for GSCE examinations. There are approximately 200 children and young people registered with the group. Some of these are known to the LA and others choose not to be. This choice is respected by the group and by the LA.

Two of the home educators have been trained as examination invigilators and have also received child protection training. The group has worked in partnership with the local youth service and has had Open College Network credits delivered and issue-based workshops. The group has also linked with Porthcawl YMCA for the Duke of Edinburgh Award Scheme. More recently the group has worked with the Allotment Association to regenerate a piece of land and develop an allotment. This work not only linked to the Environmental Science GCSE, but also enabled the children and young people to deliver a project which benefits the wider community.

Some of the group leaders of Bridgend Home Educators have delivered training on home education to groups of multi-agency professionals within LA. This was done free of charge.



## Supporting children and young people

Although LAs do not receive funding for a child who is home-educated and are not legally obliged to provide any financial support for that child, they should, where possible, promote access to learning opportunities open to all children and young people in their area.

It is important to keep in mind that the decision to home-educate rests with the parents. LAs and schools should respect parental choice and should not automatically exclude home-educated children and young people from the wide range of support services available, such as careers advice and youth support services. In many cases such provision is freely available and offers young people a range of informal and often accredited learning opportunities and access to support which can enhance their learning and well-being.

Some LAs provide links to youth support services, through information packs to home-educating parents. Others promote access to specialist educational support services, such as education psychology and school nurses. It is recommended that LA staff responsible for engaging with the EHE community have up-to-date knowledge of the breadth of such services in their area. This will enable them to advise families on provision which may enhance the educational experience of home-educated children. These should include local networks, e.g. youth forums and other sources of advice and support available for children and young people.

LAs are required to provide independent counselling services for all 11 to 18-year-olds in their area. Home-educated children have a right to access this service. The LA contact will be able to provide information to home educators interested in accessing the service.

All LAs in Wales have youth support services that offer learning opportunities to young people aged 11 to 25. This is as a result of a direction given by the Welsh Ministers to LAs in 2002 to 'provide, secure the provision of or participate in the provision of youth support services'<sup>3</sup>. Youth support services are defined as the services which, in the opinion of the Welsh Ministers, will encourage, enable or assist young persons (directly or indirectly) to:

- participate effectively in education and training
- take advantage of opportunities for employment
- participate effectively and responsibly in the life of their communities (see Examples 4 and 5).

<sup>3</sup> Youth Support Services Directions (Wales) 2002.

The *Youth Engagement and Progression Framework* provides examples of how to implement targeted approaches to the provision of youth support services<sup>4</sup>. The framework plays an important part in implementing more effective and systematic approaches to identifying young people at risk of becoming NEET (not engaged in employment, education or training) who need support, and making sure they get the help they need to get them back on track. LAs are responsible for the framework's implementation.

#### **Example 4: Practical example – links with further education/under-16 education**

##### **Ceredigion**

The LA facilitates links for EHE families with Coleg Ceredigion. Home-educated children can apply to take a range of courses in both GCSE and vocational subjects. The LA provides the EHE applicant with a letter confirming they are being home-educated.

Popular courses include the pre-GCSE full-time course which offers subjects such as Creative Media and Performance, in addition to a core element (including ICT, literacy, numeracy and Welsh), the BTEC Introductory Diploma in Vocational Studies and GCSE evening classes.

#### **Example 5: Practical example – promoting services available to home-educated learners**

##### **Carmarthenshire**

With consent from the parents and child, a referral can be made by the EHE adviser to Iechyd Da if it is felt that the child might benefit from a short intervention programme to support low self-esteem, health problems, substance misuse or problems with bullying. The project is well respected and positively received. It is considered to be a lifeline for some children who have been deregistered from school, particularly because of bullying.

LAs will need to consider carefully how they can help home-educated children and young people, and their families, to access universal services. This will be particularly important for families who withdraw from engaging with services, and from the safeguarding and protection provided by and through universal services. Where a family does not wish to engage with the LA, education officers should consider whether it is necessary to contact other services to enable information to be shared which might highlight any welfare concerns for either the child or family.

The Families First programme, for example, provides support for families with a range of needs. The programme encourages families to recognise what is working well so that they can grow and develop themselves. It also places an emphasis on helping families become more confident and resilient. A key element of the programme is the Team Around the

<sup>4</sup> [www.gov.wales/topics/educationandskills/skillsandtraining/youthengagement/?lang=en](http://www.gov.wales/topics/educationandskills/skillsandtraining/youthengagement/?lang=en)

Family (TAF) model, which provides bespoke, intensive support to families and brings organisations together to work with the whole family to stop problems from escalating.

It is important that every child and their family have the opportunity to take up the offer of immunisation and screening services. This will offer families the opportunity to discuss expected developmental milestones and ongoing management of their child's well-being with professionals.

Access to a number of these services, such as immunisation and screening, can be facilitated by schools. LAs will need to work in partnership with other agencies to support and enable home-educating families to access information and services appropriate to their needs.

## Characteristics of home education provision

In their consideration of parents' provision, LAs may wish to take into account the characteristics listed below. By facilitating access to existing EHE networks and communities, LAs can assist families in developing the following approaches.

- Consistent involvement of parents in the delivery of the provision within a mostly family-based setting.
- Recognition of the child's needs, aspirations and learning styles.
- Opportunities for the child to be stimulated by their learning experiences.
- Access to resources/materials required to provide home education for the child, such as paper and pens, books and libraries, arts and craft materials, physical activity, ICT and the opportunity for appropriate interaction with other children and adults.
- The involvement of Careers Wales at an appropriate stage.
- The development of literacy and numeracy skills suitable to the child's age, aptitude and ability, taking into account any special educational needs that they may have.

LAs should take into consideration that home-educated children may have more one-to-one contact time than in a school setting, that education may take place outside normal school hours and the type of educational activity can be varied and flexible.

Home-educating parents are **not** required to:

- teach the national curriculum
- have a timetable
- have premises equipped to a particular standard
- mark work done by their child
- set hours during which education will take place
- have any specific qualifications
- cover the same syllabus as any school
- make detailed plans in advance
- observe school hours, days or terms

- give formal lessons
- reproduce school type peer group socialisation
- match school age specific standards.

However, LAs should offer advice and support on these matters to parents if requested.

There is no legal requirement for home-educated children to take a particular set of qualifications. The internal assessment component of many qualifications, such as GCSEs, for example, can make them difficult for external candidates to achieve. These are not, however, the only qualifications which external candidates can take, and LAs may usefully offer parents and their children information about alternative qualifications and the arrangements required for the children to take them. LAs should also inform parents and, where appropriate, their children of possible problems they might encounter if their qualifications are not sufficiently recognised by employers, or further or higher education establishments.

Where families do wish to take formal qualifications such as GCSEs, LAs should provide advice on qualification options and encourage the use of resources such as Learning Wales (see Figure 3).

### Figure 3: Learning Wales

Learning Wales is a website, designed to meet the needs of educators and practitioners and improve standards in learning providers across Wales. [www.gov.wales/learning](http://www.gov.wales/learning)

With focus on improvement, each page has a range of tailored support and advice, centralising the information available and simplifying your search for the most recent information.

The site is also complemented by Hwb, the all Wales learning platform, which hosts a national collection of digital resources, user-generated content and collaborative areas. [www.hwb.wales.gov.uk](http://www.hwb.wales.gov.uk)

### Sharing good practice

As in other fields, LA officers responsible for EHE should be part of relevant networks. Networks can be an important means of support for LA officers. They can contribute to the development of consistent approaches regionally and nationally, and can enable the sharing of good practice.

There are existing examples of local and national networks that have developed recently. Some LA officers meet within their regional arrangements. Bridgend is an example of a network that is chaired by LA officers from Bridgend County Borough Council. The network is attended by a number of LA representatives as well as representatives from EHE groups.

## Children with statements of SEN

A LA may only stop maintaining a statement of SEN if it is no longer necessary for them to maintain it in respect of an EHE child. The determination of whether or not this is the case will depend on whether the parents are able to make suitable provision for the child's special needs. That provision may be different from that outlined in the statement. Parents need only provide an efficient education suitable to the child's age, ability and aptitude, and to any SEN the child may have, as set out in section 7 of the Education Act 1996.

If it is satisfied that the parents' arrangements are suitable, the LA may be relieved of its duty to arrange the provision specified in the statement. If, however, the parents' arrangements fall short of meeting the child's needs, then the parents are not making suitable arrangements and the LA is not absolved of its responsibility to arrange the provision in the statement. In some cases a combination of provision by parents and the LA might best meet the needs of the child.

While the statement is maintained it must be reviewed annually, following the procedures set out in Chapter 9 of the *Special Educational Needs Code of Practice for Wales* ([www.learning.wales.gov.uk/docs/learningwales/publications/131016-sen-code-of-practice-for-wales-en.pdf](http://www.learning.wales.gov.uk/docs/learningwales/publications/131016-sen-code-of-practice-for-wales-en.pdf)).

Parents of an EHE child who does not have a statement of SEN may ask the LA to conduct a statutory assessment of the child's educational needs under section 328 or section 329 of the Education Act 1996. If in the light of any such assessment, and of any representations made by the parent, it is necessary for the LA to determine the special education provision called for by any learning difficulty the child has, the LA shall make and maintain a statement of SEN.

Section 324(4A) of the Education Act 1996 does not require the name of a school to be provided in Part 4 of the statement, if the child's parent has made suitable arrangements for the specific educational provision specified in the statement. There should be a discussion between the LA and the parents and, rather than the name of the school, Part 4 of the statement should mention the type of school the LA considers appropriate, but go on to say that 'parents have made their own arrangements under section 7 of the Education Act 1996'. The statement can also specify any provision that the LA has agreed to make under section 319 of that Act to help parents provide suitable education for their child at home.

## **Additional learning needs legislation**

Subject to the National Assembly for Wales approving new legislation on additional learning needs (ALN), the Welsh Government intends to replace statements of SEN with individual development plans (IDPs). A code on ALN complementing the new legislation will be consulted on in due course. The guidance in this document will be updated in accordance with these changes and LAs will need to consider their implications for home-educated learners.

# Safeguarding

## **LAs' safeguarding duties**

Whether in school or home-educated, the welfare and protection of all children and young people should be of the utmost concern to all involved. It is everyone's responsibility.

Improved outcomes for children and young people can only be delivered and sustained when key individuals and bodies work together to design and deliver more integrated services around the needs of children and young people. That needs to be led and managed at a local level and supported nationally.

All agencies working with children and young people and parents, must have the knowledge and skills to safeguard and promote the welfare of children and young people. They must be able to recognise and report safeguarding concerns about a child with relevant agencies. They must also be able to work effectively with colleagues in their own organisation, other agencies and parents.

A parent's decision to home-educate should not in itself be grounds for concern about the welfare of the child. However, there may be circumstances which, individually or combined, arouse professionals' curiosity and cause them to investigate further. In such cases, education officers will need to consider whether to liaise with other relevant services and agencies.

The circumstances in question might include:

- where a child or family member has been identified as being in need
- where a child or family member has been referred to social services or the police for child protection reasons, and the matter is being investigated
- where a child or a sibling is on the child protection register
- where a child or family member has been referred on care and protection grounds, and the referral is being considered
- where a child is the subject of a supervision requirement
- where a child is known to be a carer
- where a child has not been seen for some time by any of the universal services
- where a member of the public raises concern about a child's welfare
- where a family isolate themselves from routine services and healthcare.

The Social Services and Well-being (Wales) Act 2014 came into force in Wales in April 2016 and provides a strengthened legal framework for safeguarding children and has introduced a 'duty to report' to the LA and defines a 'child at risk'.

Staff across the LA, health and police must report concerns to the LA where they have reasonable cause to suspect a child to be at risk of or experiencing abuse, neglect or harm. Following such notification, and being satisfied that there is reasonable cause to suspect that the child is suffering or likely to suffer significant harm, LAs must exercise their existing duty to investigate under section 47 of the Children Act 1989. In certain circumstances a LA could consider applying for a child assessment order (CAO) under section 43(1)(a) of the Children

Act 1989. LA practitioners should seek legal advice from their legal departments before making such an application.

Working in partnership with families is key and LAs must provide people with information and advice relating to care and support, and assistance in accessing care and support. It must promote early intervention and prevention to ensure that people of all ages can be better supported to achieve their personal outcomes, and explore options for meeting their care and support needs.

Information, advice and assistance (IAA) is a key provision of the Act which ensures people will have access to a system which will give them information on the types of care and support services available and how to access those services.

However there may be occasions when information received requires a LA to take emergency action. Part 5 of the Children Act 1989 sets out powers to protect children where there is reasonable cause to suspect a child may be experiencing or is at risk of abuse, neglect and harm.

Parents may choose to employ other people to provide some aspects of their child's education, though they will still provide the majority of the education themselves and will continue to be responsible for the education provided by others. They will also be responsible for ensuring that those they engage with are suitable to have access to children. Guidance on key issues to consider in appointing individuals who work with children is set out in the Welsh Government guidance document *Keeping learners safe* ([www.gov.wales/docs/dcells/publications/150114-keeping-learners-safe.pdf](http://www.gov.wales/docs/dcells/publications/150114-keeping-learners-safe.pdf)).

The All Wales Child Protection Procedures highlight the required approach in working with families in instances where there may be child welfare concerns. They are an essential part of safeguarding children and promoting their welfare. They inform child protection practice in each of the local and regional safeguarding children boards across Wales. They are managed by the All Wales Child Protection Review Group which represents all of Wales' safeguarding children boards and partner agencies ([www.childreninwales.org.uk/our-work/safeguarding/wales-child-protection-procedures-review-group](http://www.childreninwales.org.uk/our-work/safeguarding/wales-child-protection-procedures-review-group)).

## Sharing information

The protection of children from abuse or neglect, as well as the broader requirement for safeguarding and promoting children's welfare, depends upon effective sharing of information, collaboration and understanding between agencies and professionals. It is vital therefore that LA services and their partners have effective information sharing processes in place.



Effective information sharing by professionals is central to safeguarding and promoting the welfare of children. This sharing of information makes an important contribution to the shift in addressing children's needs at an early stage, rather than when serious problems have developed.

It should also include having in place agreed systems, standards and protocols for sharing information about a child and their family within an agency and between agencies. These protocols should be in accordance with any legal requirements and any guidance published by the Welsh Government.

For further information relating to information sharing between agencies in Wales, please refer to the Wales Accord on the Sharing of Personal Information (WASPI) ([www.waspi.org](http://www.waspi.org)).

## Useful websites and resources

### Websites

The following are a selection of national and UK organisations, websites and resources that can be provided by LAs to home-educating families. This is not an exhaustive list. In addition, LAs may like to provide details of local groups and networks supporting home-educating families. They may also like to provide specific information in their areas, e.g. on accessing local college, formal examinations or Welsh language courses.

Briteschool (British E-School)

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

Care and Social Services Inspectorate Wales (CSSIW)

[www.cssiw.org.uk](http://www.cssiw.org.uk)

Careers Wales

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

Children's Commissioner for Wales

[www.childcomwales.org.uk](http://www.childcomwales.org.uk)

Children's Rights Wales

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

Christian Home Education Support Service (CHESS)

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

Education Begins at Home

<https://en-gb.facebook.com/beginsathome>

Education Otherwise

[www.educationotherwise.net](http://www.educationotherwise.net)

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

Elective Home Education Wales

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

Forest School Wales

[www.forestschoolwales.org.uk](http://www.forestschoolwales.org.uk)

Home Education Advisory Service

[www.heas.org.uk](http://www.heas.org.uk)

Home Education Centre

[www.homeeducationcentre.org.uk](http://www.homeeducationcentre.org.uk)

Home Education UK

[www.home-education.org.uk](http://www.home-education.org.uk)

Home Schooling  
[www.homeschool.co.uk](http://www.homeschool.co.uk)

Hwb  
[www.hwb.wales.gov.uk](http://www.hwb.wales.gov.uk)

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

The Open University  
[www.open.ac.uk](http://www.open.ac.uk)

Wales Accord on Sharing of Personal Information (WASPI)  
[www.waspi.org](http://www.waspi.org)

## **Resources**

*Inclusion and pupil support*

[gov.wales/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance/?lang=en](http://gov.wales/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance/?lang=en)

Safeguarding Children: Working Together Under the Children Act 2004  
[gov.wales/topics/health/publications/socialcare/circular/nafwc1207/?lang=en](http://gov.wales/topics/health/publications/socialcare/circular/nafwc1207/?lang=en)

Social Services and Well-being (Wales) Act 2014 – codes of practice and statutory guidance  
[www.ccwales.org.uk/codes-of-practice-and-statutory-guidance](http://www.ccwales.org.uk/codes-of-practice-and-statutory-guidance)