

Taking a Child Out of School and LA Contact

Do I need permission to home educate?

Parents have a legal right to home educate their children instead of sending them to school; they do not have to justify their decision, nor wait for approval of their educational plans.

The laws concerning parents' and LAs' rights and responsibilities and interpretations of the law in these matters are summarised elsewhere (see leaflet *Legal Aspects of Home-education* in the EO Information Leaflet Series). Ideas about the different methods used in education at home are also covered elsewhere (see leaflet *Choosing your Approach to Home-education* in the EO Information Leaflet Series).

Informing the Local Authority

Unless a child is currently registered at a school, parents are under no obligation to inform anyone of their decision to home educate. This would include under fives who have never attended a school, those who are leaving a particular school anyway because of moving home or those who have completed primary schooling. For children at school who have not yet reached compulsory school age, parents can simply inform the school that they are leaving. (Compulsory school age begins on the first of three fixed dates to fall on or after the child's fifth birthday. These dates are 31 August, 31 December and 31 March.)

Deregistration from School

Parents of school-age children who are registered at a school must write and tell the head teacher that the child is receiving education otherwise than at school. (It is important to write 'is receiving,' and not 'will be receiving' or 'we are going to home educate'.)

On written notification that the parent is educating 'otherwise', a school is obliged to deregister the child in accordance with Education (Pupil Registration) Regulation 8(1)(d), 2006 and must also inform the LA of the situation immediately on receiving the letter (Regulation 12(3)). Failure to delete a child's name from the admission register immediately on request under this regulation is a criminal offence rendering the proprietor of the school liable to a fine.

Parents are advised to keep a copy of their letter to the headteacher, and a record of all other communications (written and verbal) with both the school and the LA, at all stages of the deregistration and home education process.

Sample Letter to Head teacher (essential)

Your Address The Date

Dear Mr Taylor

Re: Catherine Jones (date of birth)

After careful consideration I/we have decided to withdraw my/our daughter from school in order to take personal responsibility for her education. Please delete her name from the register in accordance with Education (Pupil Registration) Regulation 8 (1) (d) 2006, as she is now receiving education otherwise than at school.

Yours, etc.

If the family's relationship with school has been friendly, parents might wish to add some further explanation of their decision and perhaps acknowledge appreciation of the school's support in the past. Similarly, if also choosing to write to the Director of Education, parents may wish to point out that the school was helpful.

If, however, parents feel an issue such as bullying was not treated with the serious consideration it deserves, it is worth highlighting the problem as constructively as possible to both the school and LA, which may help other families in the future.

If there is a problem with deregistration, the law in this respect is set out fully in a leaflet on '*Deregistration for LEAs and Schools*', available by email from <database@education-otherwise.org> or on paper by sending stamped s.a.e. + extra 2nd class stamp per copy to EO, PO Box 325, Kings Lynn, PE34 3XW. It may also be downloaded from EO's website.

It is not necessary to write to the LA and few families choose to do this, but it can be an opportunity to state how you would like to give the LA information about your home education provision.

Sample Letter to LA (optional)

Your address The date

Ms R. Clark, Director of Education
Bassetshire County Council

Dear Ms Clark

Re: Catherine Jones (date of birth)

After careful consideration we have decided to withdraw our daughter from (name of school) in order to take personal responsibility for her education otherwise than at school.

We are providing a home and community based approach to learning in accordance with our legal rights under section 7 of the Education Act 1996.

We have written to the school about our decision and we understand that it is the school's duty to delete

Catherine's name from the register as required by Education (Pupil Registration) Regulation 8(1)(d), 2006.

You might wish to add one or more of the following:

(a) We will provide you with a statement of our educational provision in due course.

(b) We are happy to discuss an appropriate way for us to respond to your informal enquiries about our educational provision.

(c) We are planning to write a detailed report on our educational philosophy and will send it to you shortly. We would prefer that you do not visit our home

(d) Please give us a few weeks to establish our home education before making an appointment to visit us.

Yours, etc.

LA Procedures

On being informed of the position, the LA may send a standard letter and guidance if they have them. These are very variable in the friendliness of their approach. If the letter/forms ask for timetables or curriculum, families may reply that they are aware that home education does not have to mirror a school-type education in order to be 'suitable'; that they need time to consider all aspects and to establish their child's individual current aptitudes and abilities, and that they may need to allow time and patience for a school-anxious child to 'convalesce' until fear has subsided and motivation for learning returns.

(For interpretations of 'suitable' etc. and the variety of possible approaches, see leaflets *Legal Aspects of Home education* and *Choosing your Approach to Home-education* in the EO Information Leaflet Series.)

Some LAs give the impression that a home visit is the only way they can fulfil their legal obligations. This is not necessarily so. It is up to parents to choose how they will inform the LA of their educational provision. A written statement of educational provision, or any other reasonable form of information, should be adequate.

It may be helpful at this stage to provide the LA with a general outline of any plans or intentions, which may of course be flexible and adaptable. See *School is Not Compulsory (SINC)* (available from EO) 'Timetables and Curricula' for a sample letter of explanations parents may use when taking a less conventional approach. Families should feel confident to communicate their personal style of education, however 'different' it is from school.

It is reasonable for families to be allowed a period of time to establish their home education (See '*Legal aspects of home education*' in the EO

information leaflet series). This may be particularly necessary if the child has experienced problems in school.

There are no specific legal requirements about the extent and nature of contact with the LA. Individual LAs may have their own guidelines, but these do not have the force of law and in the end such contact is open to negotiation. Many LAs have revised their literature and procedures in consultation with the recognised experts in the field: home educators and home education organisations.

LA Personnel

The person with the greatest responsibility in the Local Authority is the Director of Education; other titles may be used. Under this office the LA is divided into the inspectors and advisers with their manager, and the education social workers and education welfare officers with their manager. There are further special services provided within the LA. Information about local services and who LA officials are in your area can be obtained from council offices or reference libraries.

Home educating families may have contact (by letter or by appointment) with either main branch of the LA, or both. First contact may sometimes be from the welfare side to reassure the LA as to the genuine intent on the part of the parents to home educate. Unless the Education Welfare Officer also has the job of Home Education consultant/etc. that is where contact with the Education Welfare Department should end.

Sometimes an EWO will turn up unannounced at the door with the idea of reassuring the LEA as to the child's general well-being. Legally parents do not have to give the EWO admission to the house if they would rather not.

LAs do have a duty to consider welfare issues which may arise in the course of carrying out their functions. However, this does not give LAs additional rights to insist on home visits to assess educational provision, which should be considered separately from the child's general welfare.

Providing information to the LA

Case law has established that LAs are entitled to ask informally for information about the home education arrangements made by parents. However, the same case law advises parents to respond reasonably to such requests.

The way this information is provided is open to negotiation with the LA. We suggest that some alternative methods are:

- written reports
- samples of work
- home visits, with or without the child
- meetings held elsewhere, with or without the child
- endorsement by a recognised third party
- information provided in any other appropriate form

Contact with the LA should embody a positive two-way dialogue. If the LA is trying to insist upon a form of assessment which seems unreasonable, even if it is in line with their own guidelines, then parents should seek advice.

Some individual officers, less experienced in working with a broad range of educational approaches, may expect a school-type approach (specific timetable, curriculum, records of pupil progress, tests etc.) but as mentioned earlier there are no legal requirements at all for such an approach. It is important, however, for LAs to be reassured that the education being provided at home is suitable for the individual requirements of that particular child.

Parents who have decided to work less formally may like to keep an education diary, jotting things down as they happen. This does not need to be detailed. A note can be made of books read, and activities undertaken. This would help to provide information on educational progress for any further contact with the LA, and also remind the family themselves just how much education takes place through visits to places of interest, play, reading, conversations, project work, watching science programmes on TV, formal studies, going to special interest clubs perhaps with EO friends, listening to the News, fossil hunting, attending sports clubs, the Youth Theatre, holiday activities, courses offered by education establishments, etc. etc.

Parents can extract information from the diary for use in their report. (Such information may be divided along subject lines even though the learning itself may not have such a structure). A report or statement of educational provision written by parents ensures that the LA will have accurate information on their file.

If a home visit is chosen, it is also useful to have any questions ready as the advisers/consultants may have useful ideas to offer. Bear in mind, however, that most LA officials have only a standard 'school type' experience of education and may not appreciate the range of approaches available to home educators. Good preparation for LA visits can mean that a accurate summary of actual educational provision is recorded, rather than an officer's interpretation.

Once the LA have established that suitable education is taking place, then further visits to the home or requests for detailed information are beyond the call of the law. If the LA are concerned about keeping their records up to date, a simple questionnaire sent to the family on an annual basis, asking if they are still home educating, should be quite sufficient.

Style of Assessments

Given the diverse approach to home education, and the fact that many children will work in an individual way, how then do LA officers proceed with assessments? Various cases which have been through the courts have established useful precedents. One such case was the *Harrison v Stevenson* Appeal to Worcester Crown Court 1981, which was mainly concerned with investigating the viability of alternative approaches to education and LA assessment of such, in which it was stated that the appellants had not permitted LEA assessments to take place. One reason given for this was that Mrs Harrison "felt such assessments would put pressure on the children so as to undermine their confidence and set back their development". This is a real concern for some families. The judge observed:

"We accept that an assessment in the nature of a formal examination might have had the results feared by Mrs Harrison. We can see no reason why assessment should have taken such a form, or have been made in a formal setting."

Also noted was that other expert witnesses had been able to make assessments for their own purposes and in their own way. If LA officers are not happy with the educational provision on the basis of information provided by the parent (either at a visit or by other means), they must put this in writing with an explanation of their opinions. Parents then have time to rectify the situation, provide additional information, or explain why they disagree with the conclusions. Usually any problems can be resolved easily.

LAs' Varied Attitudes to Home education

In 1994 a survey was conducted for Stockport Education Authority and the results, published in a paper *Education Otherwise: The LEA's role in Home Education (1996)*, showed a wide variation in the approach of different LAs to the monitoring and support of families choosing to home-educate. The author, Richard Bates, sought to identify good LA practice and noted how effective this was when combined with active and effective communication with our charity Education Otherwise. The essential difference in attitudes is summarised as follows:

“Some LEAs feel that the existence of this form of education is a mistake ... and (in view of this) provide formal mechanisms to monitor the home education, with the aim of admitting or returning the home-educated pupils to the school system as soon as possible. Characteristics of this response are a bureaucratic approach to the families concerned, a rigid view of what satisfactory education entails and an absence of support functions...”

“Other LEAs ... even though they may believe powerfully that the schools in the Authority offer a first-class education ... adopt a more conciliatory and supportive stance towards home education. Such approaches may be due to a belief in the value of choice through diversity: that in a democracy families should have the right to decide how to educate their own children: that this responsibility should not be assumed against the wishes of the parents.” (p.18)

In fact many LAs in the latter category encourage families to contact EO about home-education where a child is becoming anxious about going to school. As this saves further distress, the possibility of the child returning to school at a later date (if this is what the family would prefer) also remains an option.

Education Otherwise - the charity, or 'education otherwise' by LAs

Education Otherwise (EO) is a charitable membership organisation which provides information and support for parents who choose to provide a home-based education for their children in place of school attendance. The charity is supported by academics and by many groups and individuals who appreciate the need for a range of options in education in order to cater for the inherent diversity of young people.

‘Education Otherwise’ is a trade mark registered by EO on 15 July 1998 under Reg. No. 2172166. Some LEAs still use this term for department or personnel titles, creating the impression that the charity Education Otherwise has a department within the LA. This should be challenged.

‘Education otherwise’ is also sometimes used by LAs when referring to *all* children learning out of school for reasons such as exclusion, pregnancy, ill health or attendance at off-site units. The Department for Education *Circular No. 11/94 The Education by LEAs of Children Otherwise than at*

School was written specifically with these students in mind; *not* children in families who have chosen home education.

In practice, elective home educating families sometimes find themselves confronted by officials mistakenly applying the substance of the Circular (with its emphasis is on intervention and an early return to mainstream schooling) to their situation. This is not appropriate. The Circular itself states unequivocally (paragraph 2) that it

“does not offer guidance on the education of children otherwise than at school which is conducted by parents voluntarily in accordance with section 36 of the Education Act 1944, usually at home” (this is now section 7 of the Education Act 1996).

Relationships between LAs and Home-educating Families

There is more to be done to develop relationships of mutual respect between LAs and home educators. Where good communication does take place, happy relationships usually result. Some LAs take a more creative approach to education: e.g. initiating and co-ordinating alternative projects, offering guidance and support, and providing protection for those in genuine need. LAs’ active promotion of diverse educational provision could also help to ensure that they remain involved at the heart of true educational progress. In the words of a letter sent by a senior education welfare officer to an EO member:

“... I feel very much that we should have a close and fruitful relationship, particularly as we are both looking to achieve the same aim, which is the best education for children.”

This leaflet is from the Education Otherwise Information Leaflet Series.

This series is only a guide, not an authoritative statement of law or procedures (updated Sept 2006).

Reference: ‘*Education Otherwise*’ *The LEA’s Role in Home Education 1996* (Richard Bates) from EMIE, The Mere, Upton Park, Slough, Berkshire SL1 2DQ.

Email: emie@nfer.ac.uk Tel: 01753 523156

Education Otherwise Association Limited

PO Box 325, Kings Lynn, PE34 3XW

Website: www.education-otherwise.org

Help Line: 0870 7300074

Registered Charity Number: 1055120