



EDUCATION OTHERWISE

# Home Education: Information for Schools

## SUMMARY

Education Otherwise is a charitable organisation which has been supporting home educated families for over forty years. Our information sheets are based on our knowledge and expertise, supported where appropriate by legal advice.

### Key Messages

- 1) **School is not compulsory:** The parent must notify you in writing that the child is, or will be home educated.
- 2) **Home education is not a safeguarding concern:** Schools must respond to genuine and reasonable concerns about any child, regardless of education status.
- 3) **What does a parent have to do to home educate:** The parent must notify you in writing that the child is, or will be home educated.
- 4) **Removal from roll:** You may not legally delay removal of the child from the school roll.
- 5) **Registration:** Only a parent, or a person with parental responsibility, may register a child at school.
- 6) **Parents disagreeing over home education:** Only one parent is required to give notice to the school that the child is home educated and the school must act on that notice.
- 7) **Safeguarding concerns:** If you have reasonable cause for concern you must refer your concerns to children's social services, regardless of the education status of the child.
- 8) **Child attending under a school attendance order:** Where a child is enrolled at a school in accordance with a school attendance order, you may not remove the child from the school roll unless that order is revoked
- 9) **Special Schools:** A child's name may not be removed from the school roll if he, or she, is attending a special school under arrangements made by the Local Authority, until the consent of the Local Authority is given.

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## Introduction

Education Otherwise is a charitable organisation which has been supporting home education and home educating families for over forty years.

It can be difficult for teachers to know how to proceed, when they become aware of a parent intending to home educate their child. It may even be difficult for teachers to accept that a parent has chosen to 'do it themselves' rather than to rely upon the teacher's expertise.



For most parents, the choice to home educate does not reflect negatively upon the professional skills of their child's teacher, it is more usually a lifestyle choice, requiring significant commitment in terms of time and resources; it is not something that parents generally decide to do without a great deal of research and thought. The decision to home educate can be made for a great many reasons, such as wanting to travel widely, wanting to spend more time together as a family, providing for a child's special interests, a child having special needs, being bullied, or simply being less well suited to a school environment.

## Home education is a legal choice

The choice of how to educate the child is that of the parent, provided that the education is suitable to the child's 'age, ability, aptitude and to any special educational needs (the child) may have'<sup>1</sup>. Parents who do not home educate their child can elect to discharge their duty to ensure that their child receives a suitable education, by registering their child into a school. Parents can and do decide to home educate their children at all stages of the child's education.

This information relates to schools in England and Wales and is intended to help to guide teachers and schools in respect of the relevant process when a parent of a child on the school roll, decides to home educate their child.

<sup>1</sup> Education Act 1996 s7



## Education is compulsory, school is not.

Education is compulsory for all children in England and Wales from whichever date is soonest of the 1st January, 1st April, or 1st September after the child attains 5 years of age. Education remains compulsory to the last day in June of the school year in which the child attains 16 years of age.

Schools most usually accept children from age 4 years, but that child remains below compulsory school age and the parent can opt to not provide an education to the child until they become of compulsory school age.

The duty to ensure that the child receives a suitable education is a duty upon the parent, regardless of how the child is educated and this derives from the Education Act 1996 s7:

**‘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’.**

This means that home education is of equal status in law to school education and a parent may elect to home educate at any point during the child’s compulsory education years. In fact, home education is the default position, as a child does not become a registered school pupil until such point as a parent elects to register that child in a school.



(Please see below for Special School information and information relating to school attendance orders)

## A parent decides to home educate

If the parent has indicated an intention to home educate and they have no concerns about the school of which the teacher is aware, it is important that the teacher bears in mind that home education is a positive choice for the majority of parents, made after careful consideration and for a wide variety of reasons. A positive choice to home educate a child is not a reflection upon the teacher, nor upon the school and should not be taken as being so. In fact, a great many home educating parents are teachers, or former teachers.

It is important to accept that the decision is one that only the parent can make and to be supportive of the parent's right to home educate.

If the parent has indicated an intention to home educate and a teacher has reason to believe that it is because of concerns relating to the school, such as bullying, or dissatisfaction with provision, the most obvious course of action is to seek to address those concerns in a constructive way, with the parent. The parent is under no obligation to meet with the teacher, or to discuss their concerns, but most parents would prefer to resolve the issues rather than to home educate a child reluctantly.

It is important that you do not seek to dissuade the parent from home educating and that it is the problem you seek to address, rather than viewing the parent's decision as the problem.

**A positive  
choice to home  
educate a child  
is not a  
reflection upon  
the teacher**



There is no requirement for parents to obtain the school or local authority's agreement to educate their child at home, however, if your school is a special school, or the child is subject to a school attendance order, different regulations apply in some cases. (Please see below).

The parent should provide the school with notice in writing, stating that the child's name should be removed from the school roll, as the child is being,

or will be home educated. There is no special format for the notice, provided that it states the child's name and that the child will be home educated.

## Children can benefit from a teacher responding positively to a parent's decision to home educate

It is acceptable to discuss home education with a parent, if you feel that it would be in the best interests of the child. It is however, important for teachers to remember that children can benefit from a teacher making a positive response to the parent's decision to home educate and conversely, negative responses can cause distress to the child.

Teachers should be aware that they must not put pressure on a parent to remove a child from school for any reason. Pressuring a parent into removing the child from school for any reason, is known as 'off rolling'. This is not acceptable and could adversely affect your OFSTED inspection.

### No notice withdrawals

If the parent has withdrawn the child from school and has not given notice to the school of the reason why they have done so, this may be a cause for concern and the teacher should report the matter to the local authority, as the child may be a child missing education. Please note: the parent does not have to give a reason why they have chosen to home educate.

### Notice from one parent only

This situation can be difficult, but legally, only one parent is required to give notice to the school that the child is home educated and the school must act on that notice.

The parent with whom the child lives for most of the time, is normally in effective control of whether the child attends school. Any disagreement by the other parent with that parent's decision to home educate, is not a matter for the school in most cases. A parent who disagrees with the decision of the parent with whom the child lives, can make an application to the Court, for the child to attend school again. In this circumstance, the school should advise the parent to seek independent legal advice.



If disagreements about removal from the roll leads to disruption and difficulties on school premises, you should take appropriate action, just as you would with any disagreements occurring on school premises.

If the parent with whom the child does not live gives notification to the school that the child is home educated, the school should notify the parent with care of the child immediately. A parent with whom the child does not live, is in no position to provide home education to the child and in this situation the parent with care of the child would normally ensure that the child continues to attend school.

## Process following receipt of notification of withdrawal

The parent should provide you with a written notification that the child will no longer be attending your school, as he is being home educated. The Education (Pupil Registration) (England) Regulations 2006 and the Education (Pupil Registration) (Wales) Regulations 2010 make clear that such a notice constitutes grounds for removing the child's name from the school roll:

*'8: (1) The following are prescribed as the grounds on which the name of a pupil of compulsory school age shall be deleted from the admission register:-*

*(d) in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school'.*

Upon receipt of a notification from the parent that they are home educating the child, for a child in England, you must notify the LA within five days that the pupil has been removed from the roll. This action is required to conform with the Education (Pupil Registration) (England) Regulations 2006 s 12:

*(3) Where the particulars of a pupil are entered in the admission register for a school in accordance with regulation 5(1) of these Regulations, the proprietor must make a return to the local authority for that pupil by the end of the fifth day after the day on which the particulars of the pupil are entered in the admission register'.*

In Wales, removal from the roll must be within ten days:

*(3) When the name of a pupil has been deleted from the admission register in accordance with regulation 8(1)(c), (d), (g), (i) or (m), the proprietor must make a return to the local authority giving the full name and address of that pupil within the ten school days*



*immediately following the date on which the pupil's name was so deleted.*

- The notification can take any written form, provided that it states that the child's place at the school is no longer required and that the child is now home educated. The parent is not required to provide notification by a set form preferred by the school.
- The parent is not required to contact their local authority, or give notice to their LA of their decision to home educate their child, but may do so if they so wish.
- The parent is not required to give reasons for deciding to home educate their child, but may of course choose to do so, if they so wish.
- Different regulations apply for some children in special schools and where there is a school attendance order in place.

The return that you make to the LA must include:

- The full name of the pupil;
- the full name and address of any parent with whom the pupil normally resides;
- at least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency;
- the ground under regulation 8 upon which their name is to be deleted from the admission register.

It is important to note that if the school does not hold any of the above information the parent can be asked for the information, but there is no duty upon the parent to provide details to the school, or to the local authority.

## Delaying removal of the child from the school roll

A school may not legally delay removal of the child from the school roll for any reason. The school has a legal duty to remove the child's name from the roll upon receipt of notification that the child is home educated and schools should make a return to the local authority confirming the child's removal, no later than five days (England), or ten days (Wales) after the grounds for removal are met.

Some local authorities instruct schools to retain the child on the roll until the parent has met with the local authority, had their provision assessed by the local authority, or for a 'cooling off' period. This is not lawful and schools must advise the local authority that they cannot do this.

## Concerns about the child being educated at home

If a teacher has reasonable cause for concern that any child is at risk of significant harm, or suffering from significant harm, then they must of course refer those concerns to children's social services, regardless of the education status of the child.

Home education is not a safeguarding concern and is of equal legal status to school education.



**A comfortable home environment can be an excellent learning place for your child.**



A decision by a parent to home educate their child is not of itself cause for referral to children's social services.

Parents are not required to hold a teaching qualification in order to home educate a child, nor do they have to have received a set standard of education. Parents are able to home educate regardless of background and regardless of their personal characteristics.

## School Attendance Orders

Where a child is enrolled at a school in accordance with a school attendance order, the child may not be removed from the school roll unless that order is revoked. Of course, this does not apply to normal transition times when the child would no longer remain in any event.

If the parent wishes to home educate their child, they must ask the local authority to revoke the order (or amend it to replace the school with a different school) before the child can be removed from the roll.



## Special schools

Children with special needs make up a significant proportion of home educated children and are able to be successfully home educated. However, if the child is attending a special school under arrangements made by the local authority, the local authority's consent is needed for the child's name to be removed from the school roll. The parent should be advised to contact the local authority and to seek consent to remove their child, in order to home educate him.

If the child is attending a special school under arrangements made otherwise than by the local authority, the parent's right to withdraw the child from the roll in order to home educate him, is no different to that of a child at mainstream school.

It is important to remember that only a parent, or a person with parental responsibility, may register a child at school, regardless of whether the child has a school named on an EHCP, other than where a care or supervision order is in place. If the school registers a child without the parent's consent, this would not be lawful.

## A positive transition

If the parent gives advance notice to the school of their intention to home educate the child, the school can make this a positive experience for the child and other pupils in the school by:

- Reacting in a positive manner and showing an interest in the parent's decision, but without being intrusive;
- making an opportunity to allow the other children in the class to say 'goodbye' to the child;
- making the decision a learning opportunity for the class, to help them to understand different lifestyles and choices;
- providing the parent with the child's work and any reports in respect of the child;
- offering materials to the parents to help with the transition;
- offering access to upcoming school special events for the child, if these would help to ease the child's transition and
- offering to be available for advice in the early days, if the parent wishes to access advice.

## Teachers and schools can support positive transition to home education

Parents will often notify the school that the child is home educated, after the child has been withdrawn, or during a school holiday period. When this happens, there is little that the school can do to assist. However, the child's work and reports should always be offered.

Home education should be a positive experience for every child and how the school handles the transition can make a significant difference to the child's success, but also to how the school is viewed by local families.







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