

Suitable Education Guidelines for Parents/Carers and Professionals

The Local Authority (LA) must accept that the education is suitable, and officers will be aiming to build a full picture of the individual circumstances, rather than a rigid commitment to a check list. The LA should understand that Elective Home Education (EHE) is often very different to school-based education and should not use the latter to judge the suitability of EHE.

The assessment of what makes a 'suitable' education varies across Local Authorities, as do the reasons why an LA may reach a decision that home education arrangements are not suitable. Although precedent (case law) provides a definition of suitable education, there is no government definition and the DFE leaves this to the discretion of the LA.

AEHEP have produced the following guidelines for EHE Parents/Carers and professionals to encourage a collaborative working approach and consistency of service across the country.

Background

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 them to receive efficient fulltime education suitable –

- (a) To their age, ability and aptitude, and
- (b) To any special educational needs they may have,

Either by regular attendance at school or otherwise”

This means that the responsibility for children's education rests with their parents/carers. Education is required by law, but going to school is not. If parents/carers do choose to educate their children at home, then section 7 requires the child to be receiving an efficient, **suitable**, full-time education. The LA recognises that parents/carers who wish to educate their children at home have every right to do so. The LA aims to work in a way that benefits and supports parents/carers to ensure that all children receive a suitable education regardless of whether they attend school or are EHE.

If a child is not attending school full-time the law does not assume that the child is not being suitably educated. It does, however, require the LA to enquire what education is being provided and LAs have this responsibility for all children of compulsory school age who reside within their LA. Depending on the result of these enquiries, further action may be needed by the LA, within the constraints of the law.

The LA is required to reach a decision as to whether the education being provided is suitable or not and ultimately, where there is disagreement, it is for a court to determine.

How is a 'suitable' education defined?

There is no definition of 'suitable' education in statute law other than section 7 of the Education Act 1996 (see above). Point 2.10 in the Department for Education guidance for parents April 2019 explains:

"This means that it must be age-appropriate, enable the child to make progress according to his or her particular level of ability, and should take account of any specific ability (for example if a child is very good at mathematics, it might focus more on that than some other subjects)."

It goes on to say: "More generally, you should bear in mind that:

- a) even if there is no specific link with the National Curriculum or other external curricula, there should be an appropriate minimum standard which is aimed at, and the education should aim at enabling the child, when grown-up, to function as an independent citizen in the UK - and furthermore, beyond the community in which he or she was brought up, if that is the choice made in later life by the child;
- b) to be 'suitable', education at home should not directly conflict with the Fundamental British Values (as defined in government guidance), although there is no requirement to teach these;
- c) local authorities may use minimum expectations for literacy and numeracy in assessing suitability, whilst bearing in mind the age, ability and aptitude of the child and any special educational needs he or she may have;
- d) education may not be 'suitable' even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which make it very difficult to work (for example in very noisy premises). This might also affect whether it is 'efficient' and indeed, whether it is 'received' at all for the purposes of section 7; and
- e) education may also not be deemed suitable if it leads to excessive being away from the child's peers, and thus delays their social development.

Local Authority EHE officers have no wish to intrude on families who choose to home educate any more than is necessary. Resources are finite and need to be focused on families who require guidance and support to educate their child/children at home. When making enquiries, LA Officers should recognize the difference between parents who they know to home educate successfully and about whom no concerns have been raised; compared to those parents about whom nothing is known, or where concerns have been identified.

AEHEP consider that by providing these guidelines and promoting more of a working together approach across authorities, parents/carers would feel more encouraged to engage with professionals and to respond to EHE officer enquiries. Collaboration between parents/carers and professionals produces positive relationships and improves the outcomes for children and young people.

Where there is a lack of engagement, or in cases of limited information regarding the education offered, it is difficult to come to a decision regarding suitability. This may result in actions being taken

based on not enough information, rather than on the actual education being provided. It is under these circumstances that AEHEP consider these guidelines would benefit concerned parties.

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AEHEP suggests that parents/carers who are electively home educating their children are well advised to provide evidence of the education offered that will show to an LA officer that a suitable education is being provided. What constitutes as a 'suitable' education should be considered on a case-by-case basis according to age, ability, aptitude and any SEND a child may have. Therefore, this may lead to variation regarding the reasons why an LA may reach a decision that home education arrangements are either suitable or not suitable

Education should be closely connected to the child's own experience and to adult life and give due value to practical aspects. A starting point for EHE provision may include the following things:

- It may introduce to children a broad range of knowledge, understanding and skills and should include literacy and numeracy skills.
- In most cases, each part of the provision should be allotted sufficient time so that the education is balanced and does not push out other essential areas of learning.
- The education should demonstrate that each part of the provision is allotted sufficient time, but that it does not push out other essential areas of learning. Subjects should be taught to bring out their application relevant to the child's own experience and to adult life and give due emphasis to practical aspects.
- The education and how it is provided needs to be matched to the child's age, abilities and aptitude, considering any SEND. It is important that siblings of different ages receive an education differentiated to their individual needs.

Other aspects of a rounded education, such as personal, social and health education, outdoor and environmental education, citizenship, careers, technology and ICT could be formed into the learning experience. However, the above are suggestions only, and the education must suit the individual child.

'The local authority may wish to gain the child's opinion on the suitability of the home education received (as distinct to the question of the child's liking for being educated at home rather than at school), as this can be relevant to any decision it needs to make on whether the s.7 requirements are met' (2.13 Department for Education guidance for parents April 2019). However, children are not required to provide an opinion if they do not wish to do so.

Reasons why the EHE provision may not be considered suitable:

The following reasons are provided for guidance and are not intended to serve as an exhaustive list, rather a guide to help parents/carers and professionals to understand that **the child should be at the centre of the processes undertaken to determine if education is suitable**. Each case should be judged upon its own individual circumstances.

- Parents/Carers share none or extremely limited information and/or only share resources which they may have simply copied from online sites.
- The education provision described lacks enough detail and it is difficult to make sure of what education is actually being 'received' by the child.
- Parents/Carers choose to only share a report of the work that is being covered by their child, without demonstrating how the provision referred to within the report is being 'received' by the child.
- There is no or very limited information regarding resources used internally and externally.
- There is no or very limited detail of how the child is progressing, or information to demonstrate relevant progress.