

*Annex A*

**MILTON KEYNES COUNCIL**

**HOME  
EDUCATION  
POLICY**



## **EDUCATION OTHERWISE THAN AT SCHOOL - HOME EDUCATION POLICY**

This policy document applies to those children whose parents have chosen to educate their children at home.

The policy does not refer to children who have a home tutor provided by the LEA as a result of them being unable to attend school because of illness, exclusion or any other reason. The policy for these children is set out in the LEA's policy document "Access to Education of Children and Young People with Medical Needs".

This document sets out parents' rights to educate their children at home and their responsibilities, the legal duties and responsibilities of Headteachers and the Local Education Authority.

It also sets out the arrangements the Local Education Authority will make in order to carry out its legal duty, i.e. if it appears that a child of compulsory school age is not receiving education suitable to age, ability, aptitude and special needs, to take steps to ensure that this is remedied.

"If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education." Education Act 1996 s437-s443.

### **1. Parents' Rights and Responsibilities**

- 1.1 The law allows parents to educate their children at home instead of sending them to school, ensuring that their child receives an efficient full-time education.
- 1.2 The parents' legal duty is set out in Section 7 of the Education Act 1996 as follows:  
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.
- 1.3 The European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2 of Protocol No 1 also supports this by stating:

"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 in conformity with their own religious and philosophical convictions."

- 1.4 The implications of this section of the Education Act 1996 are clear:
- Parents have a right, if they choose to do so, to educate their children at home;
  - Parents do not have to inform the LEA that this is their choice.

### **Definition of Suitable Education**

- 1.5 There is no absolute definition of what a suitable education is. An interpretation was provided by an appeal case brought in Worcester Crown Court in *Harrison & Harrison v Stevenson* (1981). The parents appealed against their convictions for failure to comply with school attendance orders. The Court held that education is suitable to a child's age, ability and aptitude "if, and only if, the education is such as:

- (i) to prepare the child for life in modern civilised society, and
- (ii) to enable the child to achieve his full potential."

- 1.6 In another Court case *DfES, ex parte Talmud Torah Machzikei Hadass School Trust* (1985) a definition of suitable education was offered as follows:

" education is 'suitable' if it primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so."

- 1.7 There is no definition of full-time education and there is no direct comparison with the timetable and educational arrangements for children taught in schools. Children educated by their parents are taught on a one-to-one basis, or in small groups in very different conditions.

- 1.8 Providing a child is not a registered pupil at a school the parent is not required to provide any particular type of education and is under no obligation to:

- have premises equipped to any particular standard
- have any specific qualifications
- cover the same syllabus as any school
- adopt the National Curriculum
- make detailed plans in advance
- observe school hours, days or terms
- have a fixed time-table
- give formal lessons
- reproduce school type peer group socialisation
- match school, age-specific standards
- produce examples of 'work' for inspection

- seek permission to educate “otherwise”
- take the initiative in informing the LEA
- have regular contact with the LEA
- meet with the LEA.

## **2. The Headteacher’s Duty**

- 2.1 Section 13(3) of the “The Education (Pupil Registration) Regulations 1995” made it a duty of headteachers to inform the LEA within ten school days when a parent has confirmed in writing his or her decision to educate his or her child otherwise than at school.

“13 (3) When the name of a pupil has been deleted from the admission register in accordance with regulation 9(1)(c) the proprietor shall make a return to the local education 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.” Section 13(3)

## **3. The Local Education Authority’s Duty**

- 3.1 Sections 437-443 of the Education Act 1996, dealing with school attendance orders, confers a duty on the LEA if it appears that a child of compulsory school age is not receiving education suitable to age, ability, aptitude and special needs.
- 3.2 The legal duty of LEAs is concerned only with children who appear not to be receiving a suitable education. However, case law (Phillips v Brown (1980) unreported) established that an LEA may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided.
- 3.3 Parents of a child who has a Statement of Special Educational Needs can educate them at home. However, if the child is on the role of a special school the child’s name may not be removed from the register of that school without the LEA’s consent. Consent may not unreasonably be withheld.
- 3.4 The LEA’s statutory duty to undertake an annual review of Special Educational Needs continues for those who are home educated. This review includes assessing whether the statement is still appropriate, requires amendment or might cease to be maintained.

## **4 The Role of the Local Education Authority**

This section sets out the arrangements the LEA will make to ensure it carries out its statutory duties for children educated by parents.

- 4.1 Provide Home Education Advisers who are available to liaise with parents on request. The role of the Home Education Adviser will be explained in information provided for parents.

- 4.2 Maintain a register of pupils being educated at home. As this is not a statutory duty it is acknowledged that this list will be incomplete. This will enable Home Education Advisers to make contact with parents to offer support and work in partnership only if the parent wishes.
- 4.3 Publish information for parents who wish to educate their child at home. This information will be available for those enquiring about educating children at home or who already do this. Efforts will be made for parents to access this information such as through local libraries.
- 4.4 Organise the annual review for children with Statements of Special Educational Needs.
- 4.5 If it appears to the LEA that a child is not receiving an appropriate education then the LEA will, after allowing parents a reasonable amount of time to address concerns, issue a school attendance order requiring the child to attend a named school.
- 4.6 The LEA will convene a general meeting with Home Educators twice a year, in November and April. The purpose of the meetings will be to maintain dialogue and discuss areas of mutual interest and needs.

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