



# Home Education.

MKCC Home Education Policy –  
A guide for parents 2024-25

# Contents

Page 3	<b>Context</b>
Page 3	<b>Introduction and reasons for home education</b>
Page 3	<b>The law relating to home education</b>
Page 3	<b>Responsibilities</b>
Page 6	<b>Policies and procedures</b>
Page 6	<b>Contact with parents and children</b>
Page 8	<b>Definition of suitable education</b>
Page 10	<b>Withdrawal from school to home educate</b>
Page 10	<b>Providing a full-time education</b>
Page 12	<b>Children with Special Education Needs (SEN)</b>
Page 13	<b>Acknowledging diversity</b>
Page 14	<b>Safeguarding</b>
Page 14	<b>Support and resources</b>

## Context

Education is a fundamental right for every child, and we recognise that parents have the right to choose to educate their child other than at school. This guidance is designed to help those who have made the decision to home educate.

Parents are responsible for ensuring that their children receive a suitable education. When parents have chosen to home educate, we also want the home educated child to have a positive experience.

We believe this is best achieved where parents and the Local Authority both recognise the parts that each must play and work together.

These guidelines aim to clarify the balance between the right of the parent to educate their child at home and our responsibilities as a local authority to have oversight.

## Introduction and reasons for home education

Home education is when a parent elects to provide education for their children other than at school. This is different to home tuition provided by a local authority for those children too ill to come to school or education provided by a local authority other than at a school.

These guidelines are intended for use in relation to home education only and in conjunction with the Department for Education (DfE) [guidance](#). Throughout these guidelines, ‘parents’ should be taken to include all those with parental responsibility, including guardians and carers as per section 7 of the Education Act 1996.

Parents may choose home education for a variety of reasons. Our primary interest lies in the suitability of parents’ education provision and not their reason for doing so. The following reasons for home educating are common, but by no means exhaustive:

- Ideological or philosophical views,
- Religious or cultural beliefs,
- Dissatisfaction with the school system,
- As a short term intervention for a particular reason,
- The child’s unwillingness or inability to go to school,
- Health reasons, particularly mental health

However, the local authority is keen that where home education results from an issue with the school provision, assistance is provided to parents to resolve this where possible.

# The law relating to home education

The responsibility for a child's education rests with the parents. In England, education is compulsory, but school is not. Section 7 of the Education Act 1996 provides that:

'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.'

An 'efficient' and 'suitable' education is not defined in the Education Act 1996. An 'efficient' education has been broadly described in case law as, 'it achieves what it sets out to achieve'. A 'suitable' education is one that '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 a 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.'

## Responsibilities

### Parental rights and responsibilities

Parents may decide to exercise their right 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 local authority to educate their children at home. However, the local authority will keep records of those who have chosen to do so and will seek to be satisfied that all children are in receipt of a suitable education. Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations.

### Local authorities' responsibilities

We will provide written information about home education that is clear, accurate and sets out the legal position; including roles and responsibilities of both the local authority and parents. We recognise that there are different approaches to an education provision, not just a 'school at home' model. What is suitable for one child may not be for another, but all children should be involved in a learning process.

We have a statutory duty under section 436A of the Education Act 1996 to make arrangements to enable us to establish the identities, so far as it is possible to do so, of children in our area who are 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 at school.

Further to this, the local authority has a duty to enquire about a child's education if they are of compulsory school age. Enquiries must be timely and effective. The local authority has a duty of oversight which will be carried out at least annually.

However, under section 437(1) of the Education Act 1996, we shall intervene if it appears that parents are not providing a suitable education.

This section states that:

"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."

Section 437(2) of the Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served. Prior to serving a notice under section 437(1), we will try to address the situation informally with parents. If we have information that makes it appear that parents are not providing a suitable education, we will ask parents for further information about the education they are providing. Such a request is not the same as a notice under section 437(1) and is not necessarily a precursor for formal procedures. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so.

Section 437(3) refers to the serving of a School Attendance Order (SAO) which will only be served after reasonable steps have been taken to try to resolve the situation.

At any stage following the issue of the Order, parents may present evidence to us that they are now providing an appropriate education and apply to have the Order revoked. If we refuse to revoke the Order, parents can choose to refer the matter to the Secretary of State. If we prosecute the parents for not complying with the Order, then it will be for a court to decide whether the education being provided is suitable and efficient.

The court can revoke the Order if it is satisfied that the parent is fulfilling his or her duty. It can also revoke the Order where it imposes an Education Supervision Order (ESO). Detailed information about SAOs are contained in chapter 6 of the [Working together to improve school attendance](#). Where we impose a time limit, every effort will be made to make sure that both the parents and the officer with responsibility for home education are available throughout this period.

We also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children.

This section states:

"A local education authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children."

These powers allow us to insist on seeing children in order to enquire about their welfare where there are grounds for concern (sections 17 and 47 of the Children Act 1989).

However, such powers do not bestow upon us the ability to see and question children who are home educated in order to establish whether they are receiving a suitable education.

Section 53 of the 2004 Act sets out the duty on us to, where reasonably practicable, consider the child's wishes and feelings with regard to the provision of services. Section 53 does not extend local authorities' functions. It does not, for example, place an obligation on us to ascertain the child's wishes about home education as it is not a service provided by the local authority.

## **Policies and procedures**

Milton Keynes City Council, in line with current government recommendations, has reviewed our policy on home education. We believe it provides a clear guidance for parents and reflects the current law and statutory guidance.

It is important that all parties involved in home education are aware of their roles, rights and responsibilities. Our policy is to ensure all guidelines are clear, transparent and easily accessible to parents.

All our procedures for dealing with home educating parents and children are clear and consistent so that we can develop a foundation of trust with parents.

All our officers who deal with home education are fully aware of our policy, government guidelines, and the law.

## **Contact with parents and children**

We understand that learning takes place in a wide variety of environments and not only at home. However, if it appears that a suitable education is not being provided, we will seek to gather any relevant information that may assist us in reaching an informed judgement. This will include seeking information that parents wish to provide to explain how they are providing a suitable education. Parents will always be given the opportunity to address any specific concerns that the authority has. The child involved will also be given the opportunity, but is not required, to attend any meeting that may be arranged to express their views. Please note that parents are under no duty to respond to our requests for information or a meeting, but it would be sensible for them to do so because until the local authority is satisfied that a home educating child is receiving a suitable full-time education, then the child being educated at home falls under the scope of the powers and duties in relation to children missing education.

There is no definition of 'suitable' education in statute law, although it must be suitable to the age, ability and aptitudes of the child, and any special educational needs. This means that it must be age-appropriate, enable the child to make progress according to their particular level of ability, and should take account of any specific aptitudes (for example if a child is very good at mathematics, it might focus more on that than some other subjects). More generally, parents should bear in mind that:

- 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 they were brought up, if that is the choice made in later life by the child;
- 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;
- 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 they may have;
- 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; and
- education may also not be deemed suitable if it leads to excessive isolation from the child's peers, and thus impedes social development.

There are no legal requirements for parents educating a child at home to do any of the following:

- acquire specific qualifications for the task
- have premises equipped to any particular standard
- aim for the child to acquire any specific qualifications
- teach the National Curriculum
- provide a 'broad and balanced' curriculum
- make detailed lesson plans in advance
- give formal lessons
- mark work done by the child
- formally assess progress, or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards

However, many home-educating families do some of these, at least, by choice.

Furthermore, it is likely to be much easier for a parent to show that the education provided is suitable if attention has been paid to the breadth of the curriculum and its content, and the concepts of progress and assessment in relation to their child's ability.

If it appears to us that a child is not receiving a suitable education, we will write to parents to discuss their ongoing home education provision. This letter will offer a range of ways in which the parent can choose to tell us about their provision. We would prefer that an officer from our service has an opportunity to discuss the arrangements, however the letter provides alternative options.

Some parents may welcome the opportunity to discuss the provision that they are making for the child's education during a home visit, but parents are not legally required to give us access to their home.

Parents may choose to meet an officer at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. Where a parent elects not to allow access to their home or their child, this will not of itself constitute a ground for concern about the education provision being made. Where we are not able to visit the home, we should be able to discuss and evaluate the educational provision by alternative means.

If parents choose to meet an officer, they will be asked to provide evidence that they are providing a suitable education. If we ask for additional information, parents are under no duty to comply although it would be sensible to do so given that the local authority must be satisfied of suitable education. Following any review of the home education provision, parents will receive a short notification from us. If we are satisfied that the education is suitable, parents are notified, and we will contact again in at least a year's time. If we are not satisfied, parents are notified and given a maximum of 15 days to put plans in place and demonstrate the suitability of education. If we remain dissatisfied, we may take statutory action as set out above.

## Definition of suitable education

### Definition of suitable education and the reasons why the local authority may deem the education not to be suitable

Parents who are home educating their child(ren) are expected to provide evidence of a suitable education that would, on the balance of probabilities, convince a reasonable person that a suitable education is being provided for the age and ability of the child.

In considering the parent's provision of education the local authority may reasonably expect the provision to include the following characteristics:

- **Broad:** it should introduce the pupils to a wide range of knowledge, understanding and skills.
- **Balanced:** each part should be allotted sufficient time but not such that it pushes out other essential areas of learning.



- **Relevant:** subjects should be taught so as to bring out their application to the pupil's own experience and to adult life and to give due emphasis to practical aspects.
- **Differentiated:** what is taught, and how it is taught, needs to be matched to the child's age, abilities and aptitude, taking into account any special education need.

A good curriculum also includes other aspects at an appropriate level such as personal, social and health education, outdoor and environmental education, citizenship, careers, food technology and information and communication technology. Opportunities to socialise with other children and adults are also important to a child's personal and social development.

There may be a variety of reasons why the information and/or evidence provided has not been deemed suitable by the local authority. This may include:

- The education provision described lacks detail and it is difficult to ascertain what is being taught / what subjects are being studied.
- There is no or very limited examples of work submitted.
- There is no or very limited information regarding resources used internally and externally.
- There is no or very limited detail of how the child's progress is being monitored or examples of work to demonstrate relevant progression.
- There is no clear academic or time structure.

It is important to note that the above is for guidance and by way of example only and is not an exhaustive list. Each case is judged upon its own individual circumstances.

The type of information and evidence might include the following examples, a timetable, a curriculum plan, photographs, work books, progress reports, dated work over time, conversations with the child / parent and home visits.

The local authority needs to be satisfied that appropriate education is taking place and therefore it will be about building a full picture of the individual circumstances rather than a prescribed checklist.

Home Education

[homeed@milton-keynes.gov.uk](mailto:homeed@milton-keynes.gov.uk)

Tel. 01908 253888

# Withdrawal from school to home educate

Whenever possible the local authority will encourage parents to discuss an intention to home educate before putting into effect. Schools will normally invite parents to a meeting to discuss any concerns the parent may have. Schools must make a return (giving the child's name, address and the ground upon which their name is to be deleted from the register) to the local authority as soon as the ground for deletion is met and no later than deleting the pupil's name from the register.

If a child is registered at a school as a result of a School Attendance Order, the parent must apply to the local authority to ask if the order can be revoked on the grounds that arrangements have been made for the child to receive suitable education otherwise than at school. If the local authority agrees to revoke the Order, the child can be deleted from the schools register and educated at home.

DfE guidance strongly recommends that parents notify us so that we can facilitate access to advice and support available. The only exception to this is where your child is attending a special school under arrangements made by us, in which case additional permission is required from us before the child's name can be removed from the register.

We appreciate that in the early stages, parents' plans may not be detailed because parents may not yet be in a position to demonstrate all the characteristics of an "efficient and suitable" educational provision. However, families should be aiming to offer satisfactory home education from the outset, and to have made preparations with that aim, as time lost in educating a child is difficult to recover.

Schools must not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the statutory guidance. If the pupil has a poor attendance record, the school and local authority will address the issues behind the absenteeism and use the other remedies available to them.

If parents decide to return their child to school, and the local authority has not yet satisfied that the home education is suitable, the application will be referred to our local Fair Access Protocol to identify a school which is usually the last school the child attended or was allocated.

## Providing a full-time education

Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child. There is currently no legal definition of "full-time". Children normally attend school for between 22 and 25 hours a week for 38 weeks of the year, but this measurement of "contact time" is not relevant to home education where there is often

almost continuous one-to-one contact and education may take place outside normal 'school hours.'

The type of educational activity can be varied and flexible. Home educating parents are not required to:

- Have a timetable
- Set hours during which education will take place
- Observe school hours, days or terms

The question of whether an education for a specific child is full-time will depend on the facts of each case; but parents should at least be able to quantify and demonstrate the amount of time for which your child is being educated. Education which clearly is not occupying a significant proportion of a child's life (making due allowance for holiday periods) will probably not meet the suitability requirement.

We recognise that there are many, equally valid, approaches to an educational provision. We will, therefore, consider a wide range of information from home educating parents, in a range of formats. The information may be in the form of specific examples of learning e.g. pictures, paintings, models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.

As per current government guidelines in our consideration of parents' provision of education at home, we may reasonably expect the provision to include the following characteristics:

- consistent involvement of parents or other significant carers – it is expected that parents or significant carers would play a substantial role, although not necessarily constantly or actively involved in providing education
- recognition of the child's needs, attitudes and aspirations
- 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 crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults.

If we consider that a suitable education is not being provided, then we will write to parents informing them of this. If we are not satisfied that a suitable education is being provided, and the parents, having been given a reasonable opportunity to address the identified concerns and report back to us have not done so, we will consider sending a formal notice to the parents under section 437 before moving on, if needed, to the issuing of a school attendance order (section 437(1)). See paragraphs above.

# Children with Special Educational Needs (SEN)

A parent's right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has an Education Health and Care Plan (EHCP) or not. Where a child has an EHC plan and is home educated, it remains our duty to ensure that the child's needs are met. If a parent elects to home educate their child, all financial responsibility for the delivery of the education will sit with the parent and the local authority will not fund this. Funding that is provided to schools and settings does not transfer to the family.

We must have regard to the Special Educational Needs Code of Practice. Although this document primarily covers special educational needs in the school and early years' settings, it does give information about children and young people with SEN educated at home (paragraphs 10.30 – 10.38). The Code of Practice emphasises the importance of local authorities and other providers working in partnership with parents.

The Code of Practice is statutory guidance and schools, local authorities and others to whom it applies must have regard to it. This means that, apart from the references to the law, these bodies do not have to follow the Code to the letter but they must be able to justify any departure from its guidance. The foreword states that the Code is designed to help these bodies to "make effective decisions but it does not – and could not – tell them what to do in each individual case".

Even if we are satisfied that parents are making suitable arrangements, we remain under a duty to maintain the EHC plan and review it annually, following procedures set out in chapter 9 of the SEN Code of Practice. In some circumstances the child's special educational needs identified in the EHC plan will have been related to the school setting and the child's needs may readily be met at home by the parents without Local Authority supervision. It may be appropriate, once it is established that a child's special needs are being met without any additional support from us, to consider ceasing to maintain the EHC plan. This would usually be following the recommendation of an annual review.

Where the EHC plan is reviewed it should be made clear to parents that they are welcome to attend, but they are not obliged to do so. Where we are satisfied that the child's parents have made suitable arrangements it does not have to name a school or college in Section I of the child's EHC plan. If the EHC plan does name a school or type of school and parents decide to educate at home, the local authority is not under a duty to make the special educational provision set out in the EHC plan as long as we are satisfied that arrangements made by parents are suitable.

In some cases a local authority will conclude that, even after considering its power to provide support to home-educating parents, the provision that is or could be made for a child or young person with an EHC plan does not meet their special educational needs. The local authority is required to intervene through the school attendance order framework 'if it appears that a child of compulsory school age is not receiving suitable education'. This is a last resort if all attempts to improve provision are unsuccessful. 'Suitable education' means efficient full-time education suitable to the child or young person's age, ability and aptitude and to any SEN he or she may have.

The EHC plan should also specify any provision that we have agreed to make under section 319 of the Education Act 1996 to help parents to provide suitable education for their child at home. If the child who is to be withdrawn from the school is a pupil at a special school, the local authority must give consent for the child's name to be removed from the school roll and before amending Section I of the EHC plan.

Parents may also home educate children who have SEN but do not have EHC plans. As with children and young people with EHC plan, local authorities should work with parents and consider whether to provide support in the home to help the parents make suitable provision. Information about the right to request an EHC needs assessment and the right to appeal is available to all parents including those who are considering home education because they feel that the special educational support being provided in the school is insufficient to meet the child or young person's needs. However local authorities do not have a duty under section 22 of the Children and Families Act 2014 to assess every home educated child to see whether or not they have SEN.

Young people may also be educated at home in order to meet the requirement to participate in education and training until the age of 18. Local authorities should involve parents, as appropriate, in the reviews of EHC plans of home-educated young people who are over compulsory school age.

## **Acknowledging diversity**

Parents' education provision will reflect a diverse and wide range of approaches and interests. Some parents may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that keeps to school hours and terms. Other parents may decide to make more informal provision that is responsive to the developing interests of their child. One approach is not necessarily any more efficient or effective than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, we will not specify a curriculum or approach which parents must follow.

Children learn in different ways and at different times and speeds. It is appreciated that parents and their children might require a period of adjustment before finding their preferred mode of learning and that families may change their approach over time. Parents are not required to have any qualifications or training to provide their children with a suitable education. It should be noted that parents of all educational, social, racial, religious

and ethnic backgrounds successfully educate children outside the school setting and these factors should not in themselves raise a concern about the suitability of the education being provided.

## Safeguarding

The welfare and protection of all children, both those who attend school and those who are educated at home, are of paramount concern and the responsibility of the whole community. Working Together to Safeguard Children 2006 states that all agencies and individuals should aim proactively to safeguard and promote the welfare of children. As with school educated children, child protection issues may arise in relation to home educated children. If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns will immediately be referred to the appropriate authorities using established protocols.

Parents may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. They will also be responsible for ensuring that those whom they engage are suitable to have access to children. Parents will therefore wish to satisfy themselves by taking up appropriate references and we strongly advise parents do this.

The paragraphs above give details of our duties to make arrangements to safeguard and promote the welfare of children.

## Support and resources

When parents choose to electively home educate their children, they assume financial responsibility for their children's education. We do not receive funding to support home educating families, and the level and type of support we offer will be based upon our limited resources. We do provide written information (which is also available through the internet) on elective home education that is clear and accurate and which sets out the legal position (see guidance above). In addition to this we provide contact details for elective home education organisations and colleges

### **The National Curriculum**

The [National Careers Service](#) is a free careers service for adults and young people aged 13 and over in England. Advice and guidance can be accessed via the telephone and online. They provide confidential advice and guidance to help parents and children make decisions on learning, training and work opportunities.

### **Gypsy, Roma and Traveller Children**

We acknowledge, and are sensitive to, the distinct ethos and needs of Gypsy, Roma and Traveller communities. These families who are electively home educating are treated in the same way as any other families. Home education should not necessarily be regarded as less

appropriate than in other communities. When a Gypsy, Roma and Traveller family with children of school age move into our area, they are strongly encouraged to contact us for advice and help to access local educational settings.

Further guidance can be obtained from the [Department of Education](#).

### **Organisations**

There are organisations supporting parents who educate at home and website details of a range of these are included below. These offer a variety of advice and support to parents educating at home.

We cannot recommend a particular organisation, it would be for the parents to ensure the organisation best suits the needs of the education provision. This list is not exhaustive, but is meant for guidance only:

- Education Otherwise [educationotherwise.org](http://educationotherwise.org)
- Education Advisory Service [www.heas.org.uk](http://www.heas.org.uk)
- Home Education UK [www.home-education.org.uk](http://www.home-education.org.uk)
- Advisory Centre for Education (ACE) Ltd [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

### **Other useful Websites:**

- [Special Educational Needs and Disabilities \(SEND\) Local Offer MKCC](#)
- [School Admissions MKCC](#)
- [Elective home education - GOV.UK](#)
- [Children missing education - GOV.UK](#)

