

# Elective Home Education Working Group



To be presented to Children's and Young People Scrutiny  
and Performance Panel on 29 April, 2014



**Walsall Council**

## Foreword

*Discussions took place within the main Children and Young People's Scrutiny and Performance Panel relating to various issues which the Panel had yet to explore. Members recognised that there was a need to understand in more detail the phenomena of Elective Home Education (EHE) and indicated their wish to learn more about the service on offer to parents in Walsall who opt to educate their children at home.*

*A review took place which enabled Members to find out more about the law surrounding EHE, how children and families are supported towards their goal of achieving a good standard of education and ensuring children's safety and welfare. I was fortunate to have the opportunity to visit two young people at home to see, first- hand, how their individual needs and expectations were being met. Following the review and those visits I am now satisfied that every effort is being made to ensure that the interests and needs of children and young people who are educated outside of traditional settings are put at the heart of the service.*



**Councillor B. Cassidy**

**Lead Member, Elective Home Education  
Working group**

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## Introduction

The Children and Young People's Scrutiny and Performance Panel identified the need to investigate services on offer in relation to 'Elective Home Education' at its meeting on 17 July, 2013. It was considered by the Panel at a meeting held on 10 September, 2013 at which it was agreed to establish a one meeting working group to look at the matter in more detail.

To complete this task a small working group was established.

## Terms of Reference

This was initially established as a 'one meeting' working group with a brief to consider the home schooling service. However, it became clear that one meeting would not be sufficient as Members raised a number of questions to which officers would need time to respond. The Working Group was supported predominantly by three Officers:

Sue Butcher	Interim Assistant Director (Specialist Services)
Caroline Guest	Access Manager
Neil Picken	Senior Committee Business and Governance Manager

## Membership

The working group was made up of the following Councillors. Councillor Cassidy joined the working group as Councillor Hughes (originally appointed) was unable to participate due to work commitments:



***Councillor B. Cassidy***  
***Lead Member***



***Councillor T. Jukes***



***Councillor R. Martin***



***Councillor D. Shires***

## Methodology

The Working Group held a number of meetings during its investigations taking into account the views of numerous officers. Visits were also made to two parents and their children who had opted for the home education route.

## Witnesses

The Working Group met and discussed issues or received evidence relating to home educated children with the following witnesses:

Two local families	Parents and children in home education
Zelpher Ferguson	Specialist Officer (Elective Home Education)
Tony Barnett	Specialist Officer (Elective Home Education)
Various Staff	Walsall College

## Report Format

The report sets out the Working Group's findings along with supporting evidence.

## Context

### What is Elective Home Education?

Elective home education is the term used by the Department for Education (DfE) to describe parents' decisions to provide education for their children at home instead of sending them to school. This is different to home tuition as that is provided by the local authority or education provided by a local authority outside of a normal school setting.

Children whose parents elect to educate them at home are not registered at mainstream schools, special schools, independent schools, academies, Pupil Referral Units (PRUs), colleges, children's homes with education facilities or education facilities provided by independent fostering agencies. Some parents may choose to engage private tutors or other adults to assist them in providing a suitable education, but there is no requirement for them to do so. Learning may take place in a variety of locations, not just in the family home.

### Reasons for choosing elective home education

Parents may choose home education for a variety of reasons. The local authority's primary interest should focus on the suitability of parents to provide an acceptable standard of education and not their reason for choosing to do so at home. The following reasons for home educating are the most common, but by no means are exhaustive:

- distance or access to a local school;
- religious or cultural beliefs;
- philosophical or ideological views;
- dissatisfaction with the system;
- unresolved issues around bullying;
- as a short term intervention for a particular reason e.g. a child's unwillingness or inability to go to school;
- special educational needs;
- parents' desire for a closer relationship with their children.

### The law relating to elective home education

**The responsibility for a child's education rests with their parents.** In England, education is compulsory, but school is not.

Article 2 of Protocol 1 of the European Convention on Human Rights states that:

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

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 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."*

The responsibility for a child's education rests with his or her parents. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law as an education which "achieves that which it sets out to achieve", and 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".

## **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. 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. However, local authorities are encouraged to provide support where resources permit.

Parents must also ensure that their children receive suitable full-time education for as long as they are being educated at home.

## **Local authorities' responsibilities**

The Department for Education recommends that each local authority provides written information about elective home education that is clear, accurate and sets out the legal position, roles and responsibilities of both the local authority and parents. This information should be made available on local authority websites and in local community languages and alternative formats on request. Local authorities should recognise that there are many approaches to educational 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.

A full list of responsibilities is set out in appendix 1.

## Elective Home Education in Walsall

As of the 24 April, 2014 there were 165 children registered as being educated at home in Walsall. Of these, 40 were of primary school age and 125 secondary. The main reasons for EHE in Walsall given are shown below:-

- **83** as a result of conflict with the school where parents have reported that they are dissatisfied with the system;
- **56** due to family philosophy/ideology/parent choice;
- **16** as a result of short term intervention i.e. waiting for preferred school place/other short term reasons;
- **12** cited bullying as the reason.

### Staffing

EHE is managed by 1 x full time equivalent Specialist Officer for EHE, within the Access Service. At the time of the Working Group's investigations there were 2 part-time Specialist Officers covering this position. Both of whom are qualified teachers with extensive experience as senior staff within mainstream schools. One member of staff has retired since the production of this report and the post has been advertised.

***The Working Group was pleased to note that the post is being recruited to as the role is integral to effective home education in Walsall.***

### Benchmarking

Table 1 – comparison with other Local Authorities (October, 2013)

	Walsall	Stoke on Trent	Birmingham	Sandwell
Number of EHE Registrations	131	92	529	166
Number of Pupils in LA Schools	38,235	29,750	154,955	42,860
Total	38,366	29,842	155,484	43,026
% of Total School Population	0.34%	0.31%	0.34%	0.39%

Whilst the total number on school roles varies considerably the % total of the school population are all within a similar range.

### Engagement

It is important that the Local Authority continues to forge positive relationships with families so that they feel confident to work with the Specialist Officers. The law is designed to protect the rights of home educating families and there are organisations which help families to ensure that their voice is heard. The law makes no provision to formally allow local authorities to see a child or their work once they are educated at home. Similarly, families are not legally required to meet with the LA and they remain free to decide on the method of



demonstrating a suitable education is taking place. For example, some families choose to send in a report.

***Members acknowledge the importance of establishing effective relationships with both young people and their parents in order to ensure that the Council and parents work together to ensure the best education possible is provided for the young person. It is essential that Specialist Officers have the skill, tact and diplomacy to enter households and quickly develop a situation where parents trust that the Council is there to provide/offer help and support and not simply to interfere. This role is of the utmost importance as it provides a link between those in home education and the Council.***

Within Walsall, families are positively engaged in a number of ways:-

- Initial supportive visits;
- Newsletter;
- Annual Celebration Event;
- Development of a resources exchange between families;
- Development of parent specialism group to support other families in specific subjects;
- Gypsy Roma Traveller (GRT) Group learning sessions held at Willenhall Lane site;
- Information Leaflet;
- Information Booklet;
- Connexions Event for EHE students for future EET pathways;
- Ongoing advice available;
- Sourcing college courses for EHE students;
- EHE group meeting at Walsall's new Studio School to demonstrate an alternative style of education available;
- Sourcing examination centres for external exams;
- Nomination of EHE students for Walsall Young People Awards (one winner).

The Chair of the working group witnessed the work undertaken by the specialist officers to positively engage with two families in Walsall. Visits were undertaken and are explained in more detail later in the report.

## Policy & Procedures

There is an Elective Home Education Policy for Walsall which is based on the DfE Statutory Guidance. The policy sets out Walsall's procedure for EHE from the time a child becomes home educated to returning to mainstream education or leaving statutory school age. In summary, it includes:

- An Initial visit by a Specialist Officer to establish a positive relationship with family and provide information;
- A three month visit by a Specialist Officer to ascertain the family's plan for the child's education;
- A 12 month visit to establish suitability of education provided for the child to make progress;
- Where there are no concerns 12 monthly visits are made or more regular contact arranged if the suitability of education is questioned;
- When there is no education taking place, advice and informal steps are taken to find a mainstream school place;
- If informal advice is ignored then a Children Missing Education (CME) referral is made and formal steps are taken to secure a school place through a School Attendance Order (SAO).

***Members of the Working Group consider that this is an appropriate and important step to take in cases where it is clear that a child is missing from mainstream education.***

## Visits to parents and young people

As described earlier, there is a procedure in place for EHE from the time a child becomes home educated to returning to mainstream education or leaving statutory school age.

The lead member shadowed the secondary EHE Specialist Officer and visited the parents and homes of two young people. This included a visit to a well established household in which highly effective arrangements were in place to encourage and support the young person's education.

A second visit was undertaken to a household in which the child had recently been removed from the school register due to hard-to-resolve bullying issues. The purpose of the visit was to find out more about the decision to opt for EHE and to discuss and review options for the young person's future.

Evidence of the procedures, previously mentioned, was seen at each of the visits, as detailed below:-

- Initial visit by Specialist Officer to establish positive relationship with family and provide information;

***The Lead Member attended an initial visit to a young person that had recently been removed from a school register. The process of the initial***

***visit was clearly explained. At frequent intervals, the specialist officer would stop to ensure that the young person and their parents were clear about what had been discussed before proceeding. A number of options as to how to proceed were considered and each were discussed with the young person in terms of positives and negatives with the young person engaged and empowered that they have a choice over their future. The young person's options included home schooling, alternative schools and the possibility of attending Walsall College. Once the initial visit had concluded, it was clear that every effort had made to engage with the young person and their parents and that advice and guidance had been provided which were in the best interest of the young person. On this occasion it was agreed that home schooling would not be suitable as the young person expressed a desire to attend college. This was agreed and the Specialist Officer undertook to make arrangements.***

- When there is no education taking place, advice and informal steps are taken to find a mainstream school place;

***It was clear from the visit, that home education, in this particular instance, was not the most appropriate course of action for the young person. Discussions were held regarding alternative schools and also college. Alternative provision, such as the college, is explained in more depth on page 13 of this report.***

- Where there are no concerns 12 monthly visits are made / more regular contact if suitability of education is questioned;

***A further visit was undertaken to a home in which a child had been educated at home for some time. This was a clear example of positive and effective home education with clear examples of work undertaken and study plans available. Private tutors were also engaged to assist, in subjects that the parent accepted they were unable to teach to the appropriate level. Again, good relationships were clear between the specialist officer, the parent and the child and the child themselves provided feedback on why school wasn't for them and how much they enjoyed the home schooling arrangements. Discussions were held regarding the education in place which included maths and English together with alternative subjects such as gardening and baking. Further offers of support and suggestions made by the Specialist Officer were well received by the parent and young person. It was clear that there was a joined-up vision in ensuring that the young person had a well balanced education.***

## Challenges

Elective Home Education is not without its challenges – the main one being that there is no legal requirement for parents to engage with the LA. Further challenges include:

- No formal and legal mechanism for meeting the child or seeing examples of their work;

***Members expressed concerns in relation to safeguarding as, potentially, children and young people who are educated at home could become invisible to the LA, thereby exposing them to an increased risk of harm or neglect. Having completed this review, however, officers have demonstrated that they have sufficient grasp of each individual situation. This is coupled with the fact that officers continue to forge strong bonds with families who opt to take the EHE route. This allays any fears Members may have had about children being seen on a regular basis. It is essential to note at this juncture that Members did not see EHE as a “charter for abuse” in any sense and that they acknowledged and understood that many children are educated at home with very successful outcomes for all concerned. Despite these sentiments, however, concerns remain in relation to the laissez-faire stance adopted by the law in relation to the monitoring of the health and well-being of children who do not attend a mainstream school.***

- Very strong and highly vocal National EHE forums defend families’ rights to educate at home;
- Legislation which is lacking in clarity and does not provide for the more vulnerable child;
- National Organisations sometimes discourage families from engaging in any positive way with the LA;

***Members of the Working Group, having reviewed the service available to all parents and young people feel that this is not helpful. The key driver of all staff was to ensure that the child or young person was receiving the best possible education which was most suitable to their needs. The approach was helpful and supportive and indeed welcomed by those parents who were visited. The Working Group would urge any parent or young person considering EHE to contact the Council to discuss the options available in a positive and open way.***

- Some parents see EHE as an alternative to accepting a school place which is not of their choice. They then opt to educate at home as a short term response to a lack of preferred choice rather than as a longer term “lifestyle” choice;

***Members expressed concern that the number of parents using EHE as a short term option could increase as the population rises, placing increased pressure on some schools which may result in more parents not being able to have their first preference.***

***Members recommended that the Children's and Young People Scrutiny and Performance Panel consider a further report on Elective Home Education in the 2014/15 municipal year and that particular focus be given to the number of parents choosing EHE as a short term option as a result of their first choice of school being unavailable, together with a report detailing what measures are in place to address this matter, if there is indeed an increase.***

- Some parents and some schools view EHE as an alternative to difficult or emerging situations arising in mainstream schools and children and young people are withdrawn from school to home educate;

***Members of the working group once again feel that the work of the Specialist Officer is instrumental at an early stage. Their role is to establish a relationship to discuss the reasons behind the decision to withdraw a child from school and assist them in identifying the best solution for the young person.***

- There is no formal local authority influence or independent scrutiny for Academies which delete names from registers, although the council seeks to use its relationship with academies, on behalf of the overall responsibility for all children in Walsall ;

***Members are concerned that there may be occasions when pupils are deleted from registers without advising the Local Authority. This carries risk as the Council would be unaware that the child is no longer attending school in order to offer support and guidance.***

***The Working Group recommend that the Interim Executive Director (Children's Services) together with the Assistant Director - Access & Achievement contact Academies to ensure that they are made aware of the importance of reporting instances where children and young people are removed from the register and; that an update be submitted to a meeting of the Children's and Young People Scrutiny and Performance Panel in the 2014/15 municipal year.***

- Reluctance of exam centres to enter EHE students as external candidates;

***Members recognise that schools are reluctant to enable elective home education students to take exams as the results will form part of the school's overall statistics. Clearly, the school would need to be assured and satisfied that the curriculum has been***

***followed (which is not a requirement for elective home education) prior to allowing individuals to sit an exam.***

- Process for ascertaining whether a suitable education is taking place and securing school places as a result can be a lengthy process;
- Difficulty contacting resident Gypsy, Roma, Travelling families who are travelling with their children for long periods;
- Parent's awareness of admissions process may be limited.

## **Alternative Provision (14 – 19)**

It became clear, following a discussion with Walsall College, that there are wider options available to young people of secondary school age (year 10 onwards) than just school or EHE. This is in line with a government review which supported vocational education and stated that Further Education colleges' strong links to employers, workshops and equipment would be beneficial to younger students.

Members were keen to learn more about this and discovered that the variety of providers, offering education options to young people, were discussed with young people upon the initial visit. This was particularly useful in circumstances where young people were not comfortable within a traditional school setting, had been bullied within their existing school or relationships had broken down within their existing school. In these circumstances, it was important to identify at the earliest opportunity whether the young person would benefit from alternative education rather than being 'home schooled'.

A range of education options are available to young people aged between 14-19, all of which lead to valuable qualifications and can progress to further learning at university or college, apprenticeships or employment. Children can remain at school or explore other options that are available from the beginning of Year 10, such as a College or Studio School.

There are three 14-19 schools in Walsall:

- 2 University Technical Colleges
- 1 Studio School

Walsall College also offers 14 – 19 courses.

### **Black Country University Technology College**

The Black Country UTC is an educational institution offering students from Year 10 to Year 13 the opportunity to focus on science and engineering subjects in a specialist environment. It gives young people with a specific interest in science and engineering the chance to learn and succeed within an inspirational institution, supported by expert staff, utilising the latest technology that industry has to offer.

The curriculum is driven by the development of employability skills alongside the need to meet employer's ever changing demand. Employers have actively shaped the curriculum ensuring it meets the needs and demands of 21st Century industry. The specialist engineering qualifications on offer include a wide range of practical activities including the opportunity to acquire Performing Engineering Operations qualifications, essential for progression into apprenticeships. Students must be passionate and committed about developing the skills required for careers in science, maths and engineering. Integrated into their technical studies will be GCSEs in English, Maths and Science, along with employability and enterprise skills. In line with our vocational and professional ethos, expectations are high in terms of standards of attendance, behaviour, attitude and appearance. The University Technology College is committed to inclusion and encourages applications from students with a diversity of backgrounds.

### **West Midlands Construction University Technical College**

It is proposed that a West Midlands Construction University Technology College (WMCUTC) will be built and available for students to attend in future years. This is a revolutionary new school sponsored by Construction Industry Training Board, the University of Wolverhampton and Walsall College. It has a number of committed partner employers including Barhale, Willmott Dixon, Lovell Partnerships Ltd and Hewden. WMCUTC will provide students from Year 10 to Year 13 with exceptional technical, practical and business skills taught alongside five core GCSEs including Maths, English and Science.

WMCUTC will offer unprecedented learning opportunities for up to six hundred 14-19 year olds from Solihull, Walsall, Birmingham and Sandwell, Telford and Wrekin, Stafford, Dudley, Wolverhampton and South Staffordshire.

Innovative vocational learning linked to:-

- Traditional GCSEs, A Levels and Diplomas with the potential to progress to Level 4 modules;
- A post-16 Apprenticeship vocational pathway;
- A balance of academic and vocational learning with comprehensive coverage of the core National Curriculum subjects along with Geography and foreign languages;
- High standards of literacy and numeracy;
- A strong emphasis on employability, enterprise, teamwork, personal learning and thinking;
- A wide range of motivational activities to enrich the learning experience.

West Midlands Construction UTC aims to offer young people in the region an unprecedented opportunity to forge a successful and rewarding career in construction.

## **Walsall Studio School**

Walsall Studio School & Sixth Form is located in the brand new Goldmine Centre Walsall Town Centre and offers a new approach to education for young people who achieve their very best through practical learning. The unique Studio School, Studio Sixth and Studio Bridge programmes enable young people to achieve industry- recognised qualifications, build relationships with employers and get into employment or university.

Personalised Learning - Walsall Studio school has small average class sizes and invests in 1:1 coaching for personal development and academic and vocational learning. Every student has an individual learning plan, which is negotiated with teachers, coaches, parents and the students themselves.

Students at Walsall Studio School study GCSEs, BTECs, A Levels and other professional qualifications.

## **Walsall College – Health, Medical and Social Care Career Academy**

Walsall College's Health, Medical and Social Care Career Academy has been developed in partnership with employers including the NHS to address skills gaps and provide the workforce required for the 21st century. It will offer students a pathway of learning from the age of 14 all the way through to the workplace. The new curriculum, will offer a range of learning and development opportunities throughout the health, medical and social care sectors and training will cover opportunities to work with people from birth to older years and in a variety of settings – hospitals, in the community, primary care, emergency services, pharmacies and care homes.

Academic and vocational skills: Students entering the Academy at the age of 14 will study for the core GCSE qualifications that are expected by all employers, they will also specialise in a Health, Medical and Social Care career pathway. After completing their courses at 16, students can progress seamlessly to the College's award-winning vocational sixth form and continue right through to its higher education courses. This allows students to select an uninterrupted career pathway. They can also progress to university, in to a job or enter the workplace as an apprentice.



## Conclusion

Members have found the review of EHE to be both informative and eye-opening. It is clear, following investigations, that Walsall has a supportive and well informed EHE service which forges strong links with local colleges. One member witnessed effective and positive engagement with parents and young people first hand, which was a very useful process. As an Authority, there is support and respect for families who choose a private lifestyle and are successful home educators.

That said, Members acknowledge that there is a limit to the powers available to the Local Authority so a change to the law to ensure that timely statutory visits took place would be welcomed. This would not only ensure that matters relating to safeguarding could be addressed, if necessary, but also ensure that every family feels comfortable asking for help and advice of the EHE officers when they need to do so.

It would be remiss not to recognise that in some authorities EHE is not supported in the same way as here in Walsall. Some local authorities simply register children as home educated and ongoing involvement with families is initiated only when requested by them. In Walsall the EHE service's positive engagement methods means that we know our EHE families and are able to consider the needs of the children on a case by case basis. The regular involvement of officers means that as an authority we are able to recognise any concerns at an early stage and take steps to address them. There is also a mechanism in place to re-list children on the missing school register if officers are concerned that a home education package is not being delivered which provides further reassurance that children do not disappear "under the radar".

## Recommendations

- 1. That the Children's and Young People Scrutiny and Performance Panel consider a further report on Elective Home Education in the 2014/15 municipal year and that particular focus be given to the number of parents choosing EHE as a short term option as a result of their first choice of school being unavailable, together with a report detailing what measures are in place to address this matter, if there is indeed an increase;**
- 2. That the Interim Executive Director (Children's Services) together with the Assistant Director - Access & Achievement contact Academies to ensure that they are made aware of the importance of reporting instances where children and young people are removed from the register and; that an update be submitted to a meeting of the Children's and Young People Scrutiny and Performance Panel in the 2014/15 Municipal Year.**

### Local Authority Responsibilities

- Local authorities have a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their 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 (for example, at home, privately, or in alternative provision). The guidance issued makes it clear that the duty does not apply to children who are being educated at home.
- Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, under Section 437(1) of the Education Act 1996, local authorities 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), local authorities are encouraged to address the situation informally. The most obvious course of action if the local authority has information that makes it appear that parents are not providing a suitable education, would be to 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 school attendance orders:

*"If -*

*(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local education authority, within the period specified in the notice, that the child is receiving suitable education, and*

*(b) in the opinion of the authority it is expedient that the child should attend school, the authority shall serve on the parent an order (referred to in this Act as a "school attendance order"), in such form*

*as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order."*

- A school attendance order should be served after all 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 the local authority that they are now providing an appropriate education and apply to have the Order revoked. If the local authority refuses to revoke the Order, parents can choose to refer the matter to the Secretary of State. If the local authority prosecutes the parents for not complying with the Order, then it will be for a court to decide whether or not 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. Detailed information about school attendance orders is contained in *Ensuring Regular School Attendance* paragraphs 6 to 16.
- Where the authority imposes a time limit, every effort should be made to make sure that both the parents and the named senior officer with responsibility for elective home education in the local authority are available throughout this period. In particular the Department recommends that the time limit does not expire during or near to school holidays when there may be no appropriate point of contact for parents within the local authority.
- Local authorities 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."*

- Section 175(1) does not extend local authorities' functions. It does not, for example, give local authorities powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.
- The Children Act 2004 ("the 2004 Act") provides the legislative framework for developing children's services as detailed in *Every Child Matters: Change for Children*. The background and aims of Every Child Matters can be found on its dedicated website... Section 10 of the 2004 Act sets out a statutory framework for cooperation arrangements to be made by local authorities with a view to improving the well-being of children in their area.
- Section 11 of the 2004 Act sets out the arrangements to safeguard and promote the welfare of children. However, this section does not place any additional duties or responsibilities on local authorities over and

above section 175(1) of the Education Act 2002. *Statutory Guidance on Making Arrangements to Safeguard and Promote the Welfare of Children under section 11 of the Children Act 2004* was updated and published in April 2007.

- As outlined above, local authorities have general duties to make arrangements to safeguard and promote the welfare of children (section 175 Education Act 2002 in relation to their functions as a local authority and for other functions in sections 10 and 11 of the Children Act 2004). These powers allow local authorities 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 on local authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.
- Section 53 of the 2004 Act sets out the duty on local authorities to, where reasonably practicable, take into account 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 local authorities to ascertain the child's wishes about elective home education as it is not a service provided by the local authority.