

Professional curiosity can safeguard a child – please ask "Why are you not in school?"

Updated September 2022 *Please share this information with partner agencies.*

- Sandwell Children's Safeguarding Partnership requires us to remind all partners, to:
- be professionally curious - *Professor Eileen Munro, London School of Economics*;
- raise the profile of children missing education (CME) and children missing from education (CMfE), plus elective home education (EHE); and
- remind all local authority (LA) employees, and partner agencies engaged with families, of their shared duty and responsibility to identify and refer CME, CMfE and EHE children and young people.

Categories of "children not in school"

- *CME (children missing education): children and young people not on a school roll and not in receipt of education at school or otherwise (electively home educated/alternative provision).*
- *CMfE (children missing from education): children and young people on a school roll and not in receipt of full-time education (on part-time timetables etc.).*
- *EHE (electively home educated) children and young people not on a school roll and in receipt of education otherwise than at school (e.g. electively home educated by parents / carers. Please see EHE fact sheet (next page) for additional information)*
- *AP (Alternative Provision) children and young people not on a school roll and in receipt of education otherwise than at school (e.g. alternative provision commissioned by the LA etc.).*

Department for Education guidance confirms that part-time provision should be temporary only and that there should be a plan of reintegration for the pupil to return to full-time learning as soon as possible (unless medical circumstances prevent this).

All LA services and partners engaged with the public must use any opportunity of family contact to gather information and challenge absence from education.

Examples of services that have opportunities to identify CME/CMfE include: all Early Help services; all partners in the Sandwell Council House one stop shop; MASH (Multi-Agency Safeguarding Hub); Youth Services and Sandwell Children's Trust etc.

This shared duty relates to all children of statutory school age, including:

- • Looked after children
- • Children subject to a Child Protection/Child in Need plan
- • Children receiving support from Early Help
- • All statutory school age (5-16) new arrivals to the borough not in receipt of education /full-time provision
- • All registered pupils categorised as persistent absentees – less than 90% attendance.
- • Elective home education (not the same as CME/CMfE)

All LA employees and partners, working with families and the general-public, are reminded to routinely confirm education provision and regular attendance, plus **refer where necessary to APS_CME@sandwell.gov.uk** (Phone 0121 569 8147).

Elective Home Education (EHE) Fact Sheet

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In 1870 education, not school, was made compulsory.

Section 7 of the Education Act 1996

- Parents are responsible for the education of their children, not the state *and* may choose to fulfil that responsibility otherwise than at a school.
- The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude, and to any special educational needs he may have, either by regular attendance at school or otherwise (includes elective home education).

Protocol 1. ARTICLE 2 of the European Convention on Human Rights

- 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 religions and philosophical convictions.

Article 8, Human Rights Act 1998

- Everyone has the right to respect for his private and family life, his home and his correspondence.

Article 16 of the UN Convention on the Rights of the Child

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Parents may decide to exercise their right to home educate their child at any 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.

The only exception to this is where the child is attending a special school under arrangements made by the local authority, in which case the EHCP must be reviewed / amended and agreement sort from the authority (SEND Team) before the child's name can be removed from the register.

Note: We (the local authority) have no authority in law to give consent and we can only intervene where we have reason to believe that the education provided is unsatisfactory.

A parent's right to educate a child at home applies equally where a child has a Statement of Special Educational Needs (SEN)D and to those without statements. **Local Authority Duties**

Education Act 1996 Section 436A (inserted by Education & Inspections Act 2006 Section 4)

LAs must make arrangements to enable them to establish the identities of children in their area who are of compulsory school age but are not registered at a school and are not receiving a suitable education otherwise than at school.

Education Act 1996 Section 437(1)

LAs should intervene if it appears that parents are not providing a suitable education.

Education Act 2002 Section 175(1)

LAs have a duty to safeguard and promote the welfare of children.

Education Act 1996 Section 13A (substituted by Education and Inspections Act 2006 S1)

LAs should ensure that their functions relating to the provision of education...are exercised with a view to promoting high standards, ensuring fair access to educational opportunity and promoting the fulfilment by every child concerned of his educational potential. This applies to education for children of compulsory school age whether at school or otherwise.

Advice received from the DFE confirms:

- (a) The LA can make what informal enquiries of the parent it thinks are necessary. If the parent refuses (e.g. a visit) the LA is entitled to reach conclusions based on whatever it does receive, if anything.
- (b) If the LA cannot satisfy itself based on whatever response it receives, it should issue a s.437(1) notice requiring the parent to satisfy the LA as to suitability/full time etc.
- (c) If the LA still cannot satisfy itself it should issue a school attendance order.
- (d) If the parent requests revocation of the SAO on the basis of further evidence of suitability, the LA should consider that.
- (e) If the LA refuses to revoke the SAO then the parent has a right to seek a direction from the Secretary of State.