

# Quotes From LA SEN EHE Policies

The quotes below are taken from policy documents and Freedom of Information responses regarding special needs statements and elective home education obtained in early 2013 by contacting all local authorities in England. For background information and source material click here <http://edyourself.org/articles/2013foissenandlocationehe.php>

Some local authorities behave in a punitive way towards home educating families where the child has special needs, as the quotes below illustrate. By way of contrast, for an example of **positive practice** please see Lancashire's EHE SEN policy [here](#)

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The new SEND law, Code of Practice, and associated Regulations and Guidance came into force in September 2014. Statements are to be replaced by Education Health and Care Plans [More](#)

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## Comment

In some cases all access to services and support ceases once a child is not on a school roll. Services which are denied include CAMHS, occupational therapy, physiotherapy and speech and language therapy. Some local authorities also wrongly assume a monitoring or inspection role towards home educated children with a statement of SEN. This is not justified by law.

The Government Guidelines for Home Education apply equally to children with statements and EHCPs. [Government Guidelines](#) specifically say that parents are not required to teach the National Curriculum; not required to provide a broad and balanced education; not required to have a timetable; not required to have premises equipped to any particular standard; not required to set hours during which education will take place; not required to make detailed plans in advance; not required to observe school hours, days or terms; not required to give formal lessons; not required to mark work done by their child; not required formally to assess progress or set development objectives; not required to reproduce school type peer group socialisation; and not required to match school-based, age-specific standards.

[Statistics 2012](#) 3600 SEN appeals, 30% conceded by LAs. [More](#)

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## Quotes from LA Freedom of Information Requests 2013

<http://edyourself.org/articles/2013foissenandlocationehe.php>

Common themes are: parents are deemed to have opted out; LA believes it has a monitoring role; parents have to convince LA that they are able to home educate; parents need permission; LA insists on trial period before allowing child to be home educated.

### Parents Deemed to have Opted Out

"The Local Authority does not provide resources. The responsibility for providing educational resources for children who are educated at home is the responsibility of the parent." **Barking and Dagenham**

"Parents/guardians who elect to home educate their child are **effectively opting out** of the support available to their child through the school system." **Hackney**

"The LA does not make provision specified in Part 3 of the statement when they are EHE as the parents has then elected to make educational provision themselves." **Bolton**

### LA Sees Itself as Having Monitoring Role

"Where home education has been agreed as part of the provision within the statement an officer from our department monitors the provision agreed within the statement. In addition we would ask: Is there evidence that the child is receiving a broad and balanced curriculum? Is work dated, marked and filed/kept appropriately? Are the experiences offered and the available resources adequate and appropriate?" **Bracknell**

"The Statutory Review of a SEN Statement for an Electively Home Educated child is also to include an annual review of that child's Elective Home Education provision. The review will be called and administered by the SEN Assessment and Review Team. The **monitoring officer** should contribute to the review. Preferably the review will take place in the family home with the SEN Officer and Elective Home Education Team member in attendance. For any Local Authority support to be practicable, the parent will need to engage with officers and allow **monitoring activity**" **Hounslow**

"The policy, although brief outlines the **monitoring and quality assurance procedures** and indicates the role of the Casework Officer(CO). CO will chair annual review meetings, send invitation and reports to all professionals involved

before the meeting. CO will complete Head teachers report for the review and make amendments if appropriate, circulating the proposed amended statement to all professionals and parents. CO will alert **Monitoring and Quality Assurance Officer** if concerned about educational progress, provision or safeguarding" **Leeds**

"In accordance with the SEN Code of Practice and Elective Home Education Guidelines for Local Authorities the LA retains a **monitoring role** to ensure the child's needs are being met by the parent(s)/guardian(s)" **Hackney**

"If a parent of a child with a Statement opts to electively home educate their child then **an initial monitoring visit** would be carried out by the Council Liaison Officer responsible for Elective Home Education. This initial visit may involve a colleague from the **Vulnerable Learners' Service**. Once the initial visit has been carried out a decision would be made as to whether or not suitable educational provision was in place. If it was determined that suitable provision was in place, then the Statement would be amended in Part 4 to state that parents had opted to electively home educate their child." **North Somerset**

"School informs Pupils Admissions and Exclusions of parent/carer's **intention** to home educate. The authority check any records and sends letter and copy of guidance notes to parent/carer with questionnaire for completion. If no contact is made after three attempts the case is passed back to Admissions and Exclusions. LA consultants complete the review at family's home, the PDC, alternative location or by telephone/email. They write a letter to the parent/carer summarising the conversation, their **judgement** of whether home education is satisfactory (meets requirements of the law) or unsatisfactory. A telephone or email review (for previously satisfactory reviews) is carried out after confirming date/time by letter to family, a letter summarising the conversation and judgement is written (as above). If the LA consultants judge provision of home education to be unsatisfactory, parent/carer is given advice on what is needed to make education 'efficient' or 'suitable' and a second review arranged within three months. Should education be judged unsatisfactory at the second review, the case is referred". **Tower Hamlets**

"The authority ensures **robust monitoring** is carried out." **Wiltshire**

## Have to Convince LA

The law states that, you, the parent/s need to be able to convince the Local Authority that you can make suitable provision for your child whether they have any special educational needs, or not". **Derbyshire**

"When any parent/carer gives the local authority **notice** of electively home educating a child with a statement of special educational needs, the local authority seeks to establish that parent/carer's capacity to make the provision in Part 3 of the statement. In the instance that the parent/carer could not make the provision, the local authority would encourage the parent/carer to **carefully consider their choice to electively home educate**. Each case is considered individually and the local authority may sometimes support the parent/carer with resources to ensure that Part 3 of the statement is met but only so far in the local authority could continue to meet its duty to make an efficient use of local authority resources". **Portsmouth**

## Can't Home Educate Without Permission

"If a child has a statement of special educational needs, parents must write to the SEN Manager to seek consent to withdraw him/her from a school roll" **Middlesbrough**

"The policy is that within 20 days of the EHE **request** being submitted a home visit occurs. If the provision is **satisfactory** the next visit would occur on an Annual basis, and inform the Annual Review of the Statement of SEN". **Torbay**

## Trial Period Before Home Education is Allowed

"If parents **insist** on educating their child at home the following will apply: (1) If registered at a special school, the child's name must not be removed from the register until the home provision has been **monitored and deemed satisfactory**. (2) In order to assess whether home provision is satisfactory, there will be a **trial period** (usually 4 weeks) of home education during which the parents will be asked to provide **evidence** of suitable home provision. A decision will be made at the review as to whether the Local Authority is **"satisfied"** that the educational needs as stipulated in the statement are being met. In the event that the Local Authority is not satisfied **the monitor** will coordinate a second visit 15 days later to **collect agreed evidence**. If the evidence not be made available at the second meeting the Special Educational Needs Officer will then name an educational provision which can meet need and the parents will be informed of their duty to ensure the young person attends". **Oxfordshire**

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## The Facts

If the child is a registered pupil at a mainstream school, the parent wishing to home educate should send a written request to the proprietor for the child's name to be taken off the school roll. The process is the same irrespective of whether the child has a statement of SEN or not. **Paragraph 8.96 of the [SEN2001 Code of Practice](#)** says 'Part 4 should state the type of school the LEA consider appropriate but go on to say that: "parents have made their own arrangements under section 7 of the Education Act 1996."

**Baroness Ashton:** "The term "suitable arrangements" does not mean having to specify exact arrangements in the child's statement. However, the authority must satisfy itself that the arrangements put in place by the parents are suitable to meet the needs of the child. Where that is the case, the authority is relieved of its duty to arrange for provision as specified. If, however, the arrangements fall short, then the authority is not absolved of its responsibility. However, the authority could, for example, itself make some provision to help the parents to put in place suitable arrangements"

If the child is a registered pupil at a **special school**, the parent requires consent from the local authority before the child's name can be removed from the school roll. Some local authorities will ask for further information before agreeing that the child's name can be removed. Consent must not be unreasonably withheld. [The Government's Home Education Guidelines](#) set out the position in relation to home education and special needs. [this page](#) gives further information about taking a child out of a special school.

The fact that a school may be named in Part 4 of the statement before the parent has enrolled the child, does **not** mean that the child is automatically registered at the school without any further action on the part of the parent. Nor does naming the school in Part 4 mean that a child who is not currently on the roll of the school will be obliged to attend the named school in future rather than - for example - being home educated. [More](#)

Where a child has a statement of SEN, the local authority has a duty to review the statement annually to establish whether the child's needs are being met and whether the statement should remain in force. The statement is **not enforceable on the parent**. The parent has a legal duty to provide education to meet the child's special needs, but education at home may be very different from school-based provision. In some cases, the home educating family will be able to make the case that the statement is irrelevant and should cease to remain in place. From September 2014, new assessments will be for EHCPs rather than statements, and it is possible for the assessment process to be initiated while the child is home educated.

The Westminster Government confirmed in 2010 that it was not mandatory to see the child or the home as part of the annual statement review and in March 2010 said: "However, the suggestion in paragraph 12 that an LA should seek a school attendance order only applies in cases where an LA considers it is unable to assess suitability because it has been denied access to a child and is unable to see the child, and there are no other means of establishing suitability. There is a range of ways in which an authority can make an assessment of suitability which do not involve being able to see the child or having access to the home. We apologise for any concern that paragraph 12 has caused the parents of home-educated children." The matter was [placed on record in the House of Lords on March 17th 2010](#). See also [web archive teachernet](#)

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## Link Reference

This article is <http://ehe-sen.org.uk/senquotes.php>. The following links to other websites are contained in the article, displayed as citations to aid you in printing the document.

1. <http://edyourself.org/articles/2013foissenandlocationehe.php>  
<http://edyourself.org/articles/2013foissenandlocationehe.php>
2. here <http://new.lancashire.gov.uk/children-education-families/educating-your-child-at-home/special-educational-needs.aspx>
3. More <http://edyourself.org/articles/newcode.php>
4. Government Guidelines <http://edyourself.org/articles/guidelines.php>
5. <http://edyourself.org/articles/2013foissenandlocationehe.php>  
<http://edyourself.org/articles/2013foissenandlocationehe.php>
6. Baroness Ashton <http://www.publications.parliament.uk/pa/ld200102/ldhansrd/vo011029/text/11029-21.htm>
7. this page <http://edyourself.org/articles/guidelines.php>
8. More <http://edyourself.org/articles/expectfirstday.php>
9. not enforceable on the parent. <http://edyourself.org/articles/caselaw.pdf>
10. web archive teachernet <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100317w0002.htm>