



**Isle of Man
Government**

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ISLE OF MAN ELECTIVE HOME EDUCATION PROCEDURES

Department of Education, Sport and Culture

Rheynn Ynsee, Spoyrt as Culloor

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Ministerial Foreward

Education is a fundamental right for every child and we recognise that parents have the right to choose to educate their child at home rather than at school. These procedures have been prepared to help the Department manage our relationship with home educating parents.

Parents are responsible for causing their children receive a suitable education. Where parents have chosen to home educate, we want the home educated child to have a positive experience. We believe this is best achieved where parents and the Department recognise each other's rights and responsibilities, and work together. These procedures aim to clarify the balance between the right of the parent to educate their child at home and the responsibilities of the Department.

1.0 Introduction

1.1 Elective home education (EHE) is the term used by the Department for Education, Sport and Culture (DESC) to describe parents' decisions to provide education for their children at home instead of sending them to school. This is different to home tuition provided by the Department or education provided by the Department other than at a school.

1.2 Home education is an option that any family may consider for their children. The reasons for deciding on this approach are many, as are the styles of education undertaken. For some families it is a decision based on their philosophical, spiritual or religious outlook, for others it is to meet the specific needs of a child or children. It may be because of dissatisfaction with "the system" or used as a short-term intervention for a particular reason. Whatever the circumstances the Department in future aims to support parents in their choice.

1.3 The purpose of this document is to set out the current legal position and to outline the Department's procedures.

1.4 These procedures relate to elective home education of children/young people of compulsory school age.

1.5 In compiling this document the Department has used information and guidance provided by the English Department for Education (DfE) and other local authorities, particularly the Lancashire local authority.

2.0 The law relating to elective home education in the Isle of Man

2.1 The responsibility for a child's education rests with their parents. In the Isle of Man, education is compulsory, but school is not.

2.2 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 duty to secure efficient full-time education suitable to age, ability and aptitude and to any special educational needs they may have, for their children. Some parents choose to do this by educating their child at home. They do it because they judge it to be the best way to carry out their duty.

Section 24 of the Education Act 2001 provides that:

"Duty of parents of children of compulsory school age

- (1) *It is the duty of the parent of every child of compulsory school age to cause him to receive suitable education, either by regular attendance at school or otherwise.*
- (2) *The Department shall enforce the duty imposed by subsection (1).*
- (3) *In this Part —*

"school", in relation to a child of compulsory school age who has attained the age of 14 years and for whom education is provided at a college, includes a college;

"suitable education", in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.

Section 24A of the Education Act 2001 says:

"Duty to notify Department of arrangements for child's education

- (1) *Where a child of compulsory school age is not a registered pupil at a provided school, maintained school or special school, the parent of the child must notify the Department in writing of the arrangements made for the child to receive education.*
- (2) *A notification under subsection (1) must state —*
 - (a) *the full name, address and date of birth of the child;*
 - (b) *the full name and address of the parent;*
 - (c) *whether the child is receiving or is to receive education by regular attendance at school (in the Island or elsewhere);*
 - (d) *if so, the name and address of the school; and*
 - (e) *if not, the name and address of the person or persons by whom it is being or is to be given.*
- (3) *The parent of a child must give a notification under subsection (1) —*
 - (a) *within 3 months after the child —*
 - (i) *attains the compulsory school age;*
 - (ii) *becomes resident in the Island; or*
 - (iii) *ceases to be a registered pupil at a provided school, maintained school or special school; or*
 - (b) *at any time, within 21 days after being required by the Department to do so by notice in writing.*
- (4) *A parent who, without reasonable excuse, fails to give a*

notification under subsection (1) within the time allowed by subsection (3)(a) is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000”.

2.3 Education is considered efficient and suitable if it enables their child to achieve their full potential, and it prepares them for adult life in their community, as long as it does not foreclose the child’s options in later years to adopt some other form of life if he/she chooses to do so¹.

3.0 Parental rights and responsibilities

3.1 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, which in the Isle of Man is 16². Parents are required to notify the Department of their intention to educate their children at home³.

3.2 Where a child has been registered at a mainstream school, parents are required to notify the school in writing when withdrawing a child for EHE. This is to confirm that provision is being made for the child's education otherwise than at school and requesting removal from the school’s roll (see section 6 for more detail).

3.3. Consent of the Department is required to de-register pupils placed at a special school under arrangements made by a Department (see section 5.2.) Where a child is registered at a school as a result of a school attendance order parents must ask the Department to revoke the order⁴.

3.4 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”. Full time does not mean being bound by school hours and terms, as this measurement of contact time is not relevant to home education where there is often almost continuous one-to-one contact.

3.5 The type of educational activity can be varied and flexible. It is recognised that home-educating parents are **not** required to:

- teach the National Curriculum;
- provide a broad and balanced curriculum;
- have a timetable;

¹ R v Secretary of State for Education, ex parte Talmud Torah Machzikei Hadass School Trust. Judicial Review 1985 and Harrison & Harrison v Stevenson. Appeal 1981 Worcester Crown Court.

² Education Act 2001, section 23

³ Education Act 2001, section 24A (also copied on page 6)

⁴ Education Act 2001, section 27 (2)

- have premises equipped to any particular standard;
- set hours during which education will take place;
- have any specific qualifications;
- make detailed plans in advance observe school hours, days or terms; give formal lessons;
- mark work done by their child;
- formally assess progress or set development objectives;
- reproduce school type peer group socialization;
- match school-based, age-specific standards.

3.6 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.

4.0 Department responsibilities and outline of procedures

4.1 The Department of Education, Sport and Culture recognises that there are many, equally valid, approaches to educational provision. What is suitable for one child may not be for another, but all children should be involved in a learning process.

4.2 When the Department first becomes aware that parents have elected for home education initial contact may be made to establish some basic factual information. This information is specified in Section 24A of the Education Act: the full name, address and date of birth of the child, and the name and address of the parent. If the parents have not notified the DESC of this information, they will be asked to complete the notification form within 21 days.

4.3 The Department will contact all home educators (usually via a press release) on an annual basis to ensure that the information we have in relation to Section 24A is up-to-date, to satisfy Data Protection legislation⁵, and to offer support (see appendix 1). The DESC may ask that the notification form is completed on an annual basis to aid this process.

4.4 If it appears that a suitable education is not being provided, the Department will seek to gather any relevant information that will assist reaching a properly informed judgment (see appendix 2 for a flowchart of the processes to be followed). This will include seeking from the parents any further information that they wish to provide which explains how they are providing a suitable education. Many people find a home visit helpful, but parents may wish to meet at another venue, with or without their child. Alternatively they could write a brief report to let the Department know the provision that they are making. Parents will be given the opportunity to address any specific concerns that the Department has. Children are welcome to attend any meetings and make contributions to the information provided. Whilst parents are under no duty to respond to such a request, the English Department for Education guidelines

⁵ Data Protection Act 2002, Schedule 1(3). Article 5, GDPR Regulation [not currently in force]

comment that “it would be sensible for them to do so” and refers to the legal case *Phillips v Brown* (1980).

- 4.5 If it still appears to the Department that a child is not receiving a suitable education we may wish to contact the parents to discuss the on-going educational provision. Contact will normally be made in writing to parents to request further information. A written report will be made after such contact and copied to the parents stating whether the Department has any concerns about the education provision and specifying what these are, to give the child's parents an opportunity to address them. If there are concerns, parents will be given the information in a written report outlining what the Department is concerned about and why. Wherever possible, parents will have been informed of this beforehand, and have been given guidance about ways in which suitable education that meets the needs of the child may be provided. The Department may be able to suggest other services that may be useful or may suggest other contacts that can provide advice. The report will suggest timescales and arrangements for future contact to ensure progress has been made.
- 4.6 In the instance outlined in 4.5, 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 the Department access to their home. They may choose to meet a Department representative 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 does not of itself constitute a ground for concern about the educational provision being made. Where we are unable to visit homes, officers should, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means. If they choose not to meet, parents may be asked to provide evidence that they are providing a suitable education. Parents might prefer, for example, to write a report, provide samples of work, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form.
- 4.7 Whilst there are no statutory duties in relation to the routine monitoring of the quality of home education, under Section 25(1) of the Education Act 2001, the Department shall intervene if it appears that parents are not providing a suitable education. This section states:

“If it appears to the Department that a child of compulsory school age in the Island 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 (not being less than 15 days beginning with the day on which the notice is served) that the child is receiving such education.”

Section 25 of the 2001 Act provides for the serving of School Attendance Orders:

(3) *If –*

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

(b) in the opinion of the Department it is expedient that the child should attend school,

the Department shall make and serve on the parent a further notice in writing containing the matters specified in subsection (4).

(4) A notice under subsection (3) shall —

(a) inform the parent of its intention, after the expiration of the period specified in the notice (not being less than 21 days beginning with the day on which the notice is served), to make an order under section 26;

(b) specify the school which the Department intends to name in the order and, if it thinks fit, one or more other schools which it regards as suitable alternatives; and

(c) state the effect of section 26.

4.8 Prior to issuing a School Attendance Order a mediation meeting can be convened to discuss the information available and to attempt to reach a suitable agreement. Mediation is a voluntary process to resolve disputes between willing participants using procedures based on ACAS code of practice principles. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome. Any supporting paperwork for the mediation meeting must be submitted at least 7 days before the meeting to both participants. The mediators can be a Department Officer not associated with the case previously, a Member of Tynwald or an independent experienced member of the Home Education community. The mediators can work individually or in pairs as co-mediators as required by the participants. The Department Officer involved will present the issues which are of concern to the Department and possible solutions. The parent, who may be accompanied by a friend for support and who will not contribute to the meeting, will present their response to the Department's concerns and any alternative solutions. The participants, with the assistance of the mediator, will seek to find common ground and agreements on how to resolve any residual problems identified by either participant. This may involve the mediator asking questions or seeking clarification from the participants. The mediator will record the outcome of the mediation meeting and provide this information to both participants at the earliest opportunity, but it may be later in the day depending on the complexities of the dispute. When mediation is in progress the Department will suspend the issuing of a School Attendance Order.

Mediation may also be used to address other disputes between the Department and home educators.

4.9 The Department considers that the issuing of a School Attendance Order shall be a last resort after all reasonable avenues have been explored to bring about a resolution of the situation. At any stage following the issuing of an Order, parents may present evidence to the Department (or the court) that they are now providing a suitable and appropriate education and apply to have the Order revoked.

5.0 Children with Special Educational Needs

5.1 Parents' right to educate their child at home applies equally where a child has special educational needs (SEN).

5.2 Where parents elect to home educate a child with special educational needs who is registered at a mainstream school, the school will remove the pupil from roll, following receipt of written confirmation from the parent that educational provision is being made otherwise than at school. Department approval for removal from roll is required if a child is registered at a special school⁶.

6.0 Withdrawal from school to home educate

6.1 First contact between the Department and home educators often occurs when parents decide to home educate and approach the school (at which the child is registered) and/or the Department to seek guidance about withdrawing their child from school. It is important that this initial contact is constructive and positive. Whilst parents must inform the school in writing of their decision, they are legally required to inform the Department⁷. Where a parent is seeking to withdraw a child from a special school, the school must obtain consent from the Department before they can remove the child from their roll (see above, section 5.2).

6.2 The school must delete the child's name from their admissions register upon receipt of written notification from the parents that the pupil is receiving education otherwise than at school. 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 Department as soon as the ground for deletion is met and no later than the point at which they delete the pupil's name from the register. The Department will provide parents with a copy of the notification from school.

6.3 If a child is registered at a school as a result of a school attendance order the parents must get the order revoked by the Department on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be deleted from the school's register and educated at home.

6.4 Schools must not seek to persuade parents to educate their children at

⁶ Education (Registration of Pupils) Regulations 2016, section 13(3).

⁷ Education Act 2001 Section 24A (1)

home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of suspension and a recommendation to the Department to exclude by the governing body, they must follow the Department's suspension procedure. If the pupil has a poor attendance record, the school and Department must seek to address the issues behind the absenteeism and use the other remedies available to them.

7.0 Reviewing procedures and practices

7.1 The Department will review these procedures and practice in relation to home education at least every two years or when new legislation comes into operation. Home education organisations and parents will be involved in the process of review in order to ensure the most effective practice and strengthen partnerships.

8.0 National and regional organisations

8.1 There are many websites that provide information for anyone considering EHE – some links to such sites are provided below.

Education Otherwise: www.education-otherwise.net

Ed Yourself: www.edyourself.org

Home Schooling: www.home-schooling-uk.com

Ahome: www.ahomeeducation.co.uk

Home Education Advisory Service: www.heas.org.uk

English Department for Education:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/288135/guidelines_for_las_on_elective_home_educationsecondrevised2_0.pdf

HE in the UK – Special Educational Needs: <http://www.he-special.org.uk>

Department of Education, Sport and Culture: (Registration form)
<https://www.gov.im/media/187705/home-or-private-education-registration-form-2015.pdf>

February 2018

Appendix 1

“If it appears”

This would apply in those circumstances where Department Officers have concerns that a child may not be receiving a suitable education and would give rise to further investigation.

- The police are involved with the child and their parents;
- There is involvement of other government agencies eg DHSC officials which gives rise to concerns around the education of a child;
- Home Education is used as a ‘threat’;
- Pre-existing problems eg attendance, safeguarding concerns, were followed by Home Education;
- Family or neighbours raising concerns about home educated children;
- Children of those Home Educating are observed behaving inappropriately in public buildings without suitable supervision or direction;
- Organisations or groups reporting concerns around children struggling with basic educational skills.

Possible examples of support

- Better signposting to support;
- Indications of where support can be found;
- Key Stage Schemes being available;
- Access to specialist material / facilities within schools, subject to the agreement of the Headteacher;
- Information about activities and places available to offer educational experiences.

Chart 2: Flowchart for the Department if it appears that a child in the area is not receiving a suitable education

