Report to the Education and Vulnerable Children Overview and Scrutiny Committee

20 January 2016

ELECTIVE HOME EDUCATION

Purpose of the Report: To inform Members of the law around elective home education and of the current policy and procedures for monitoring home educated children in Birmingham.

Recommendation

That Members note the information contained in this report.

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Background

The law relating to Elective Home education

- 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."**
- 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 a 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.
- Current DfE guidance states that: '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'. (Home Education, Guidelines for Local Authorities, 2007)
- In law, elective home education per se is considered to be suitable education provision.
- 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.
- Local authorities 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. However, current DfE guidance confirms that, "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 Birmingham procedure

- A small team of elective home education (EHE) advisers sits within the School Admissions and Pupil Placements service. The team comprises of four officers; one team manager, one lead adviser and two EHE advisers.
- Within the context of the current law, the EHE team is responsible for offering
 advice and support to up to 800 children known to be home educated in the City,
 and for making an appropriate response where it appears that a child is not
 receiving a suitable education. However, there is currently no statutory definition
 of what a suitable education actually is.
- Although parents do not have to seek the permission of the local authority to home educate, they must inform head teachers in writing of their decision to withdraw their child from a school, whether maintained, free or academy. On receipt of such written notification, schools must delete the child from the school registers with immediate effect, as per the requirement outlined in section 8 of the Education (Pupil Registration Regulations) (England) 2006, If written notification is not received prior to withdrawal, the child must remain on the school roll and the absence from school must be treated as unauthorised in line with schools' attendance/absence procedures. (The requirement for electively home educated children registered at a special school differs in that they can only be removed from the school roll with the permission of the local authority). The majority of referrals to the EHE team therefore originate from our mainstream schools and academies.
- All schools including academies have been issued with guidance on our requirement in respect of making EHE referrals (see Appendix 1.) and they are asked to provide all parents who are considering, or who elect to home educate with a copy of our 'Guidance for Parents' document (Appendix 2.)
- Most parents who elect to home educate do so with conviction and with the best interests of their child at heart. However, a small minority of parents choose to do so without being fully aware of the huge commitment this entails and without considering the critical impact this may have on their children achieving successful future outcomes.
- In respect of the above and of the pivotal role schools including academies play in safeguarding children on their rolls, they are required to make a timely referral of all children withdrawn from school to be home educated, to the EHE team. The referral must include a clear risk assessment and details of any safeguarding concerns the school may have in relation to the child's withdrawal, as well as detailing all actions taken to ensure the Multi-Agency Safeguarding Hub (MASH) and/or Police have been notified if necessary.
- Annually updated guidance is issued to all schools including academies in Birmingham on their role and responsibility in respect of EHE. (Appendix 1.)
- Where a group of professionals, for example, teachers, children's social care workers, family support workers etc. share a view that elective home education would be inappropriate for a child, a collective decision will be taken to protect the child by either commencing the School Attendance Order process or, in a case

where immediate safeguarding actions are necessary, by initiating section 47 emergency care proceedings.

- On receipt of an EHE referral, the EHE team carries out immediate checks with Children's Social Care (CSC) staff, or of any other known professional associated with the family. The 'CareFirst' children's social care database is also interrogated to establish if there are, or have been, any safeguarding concerns or related actions in respect of the child and family.
- All referrals are appraised on receipt by the EHE team manager and any further contacts or meetings needed, for example to share information or produce an immediate multi-agency action plan to protect a child, are coordinated at this stage.
- All referrals are allocated to an EHE adviser and the adviser will write to the
 parents to make an appointment to discuss the child's education plan, preferably
 at the home address and with the child present. Initial contact is made with
 parents within 20 working days of our receipt of the referral.
- Whilst most home educating parents agree to meet with our advisers, local authority officers have no right to insist on this or to see the children. Accordingly, a minority of parents do exercise their right and decline to meet with officers but instead send in an education plan (often referred to as an 'education philosophy') as evidence that the education they intend to deliver is suitable. In such instances, EHE advisers make regular srutiny of the CSC CareFirst database to ensure that CSC officers have not been alerted to, or are actively involved in any safeguarding issues.
- Of the **782** children currently known to be electively home educated in Birmingham, the parents of **48 (6.1%)** children have declined our invitation to meet with them.
- Any parents judged by EHE advisers to be failing in providing their child with suitable home education, or where other concerns emerge, are reported to a monthly 'EHE cases of concern' meeting which includes an officer from the MASH team. The MASH officer gives advice and direction on any further actions needed to be taken. However, EHE advisers are aware that they must refer all significant safeguarding concerns, where a child is at immediate risk, without delay, to the MASH and, if necessary, to the Police.
- Where home education is judged to be unsuitable, EHE advisers, in respect of current DfE guidance, are required to offer support and guidance to parents in the first instance and to allow them appropriate time to make improvement. If improvements are not made, parents are made subject to School Attendance Order proceedings under Section 437(1) of the Education Act 1996.
- Unless there are concerns for the suitability of the home education provided (in which case family is contacted made more frequently depending on individual needs), home educating families are contacted on an annual basis.

- The current EHE procedure was audited by Birmingham Audit during September and October 2015. The final audit report stated: 'We are reasonably satisfied that the (EHE) section is fulfilling its responsibilities in relation to children who are electively home educated. The section has implemented lateral checks on all children who are subject to a new EHE referral or an annual review. The completion of lateral checks, when a child cannot be seen at home, has also been implemented so that they can be undertaken at any time where there is a cause for concern. Through monthly 'cases of concern' meetings, there is regular contact with the Multi Agency Safeguarding Hub (MASH) which helps to ensures safeguarding issues are identified and addressed at the earliest opportunity. The section has key performance indicators in place to measure the relevant elements of their service delivery. The backlog in the number of overdue annual reviews has been managed and the section is using School Attendance Orders where they have concerns about the quality of the education being delivered".
- The audit report concluded that the current risk for the council and the service area is low.

Key Issues

- All parents have a right to home educate; they do not have to seek anyone's permission to do so, or to register with the Local Authority.
- In law, elective home education is considered to be a suitable education.
- Unless there are significant concerns for a child, the Local Authority has no powers to routinely monitor or see home educated children.
- All Birmingham schools including academies are issued with annually updated advice and guidance in respect of children withdrawn from school to be electively home educated, with an emphasis on safeguarding.
- Children who are home educated and who have never been registered at a school may not be known to the Local Authority or to any other universal services.
- Within the scope of current law, the business area has taken all practical steps to reasonably safeguard home educated children and to ensure they are in receipt of a suitable education. However, there remains a risk that without the guarantee of regular contact from, or formal registration with the LA and other universal services, a minority of parents may evade their duty and responsibilities to their children.

Conclusions

From September 2014 to November 2015, there has been a steady increase in the numbers of children known to be home educated. **636** were known to be home educated in September 2014 and this has increased to **782** in November 2015.

Most home educating parents do so out of a conviction that they are doing the right thing. They frequently ensure good educational outcomes for their children. However, a minority of parents do not. Whilst current education law limits the powers of the Local Authority, the Birmingham procedure and EHE advisers are as vigilant as possible in respect of the need to ensure that home educated children are safe and in receipt of a suitable education.

List of Appendices

- 1. Advice and guidance to Birmingham schools.
- 2. EHE Guidance for Parents document.



Important: Information and action in respect of pupils withdrawn from school by parent/carers to be electively home educated.

To: Head teacher, SENCO, Pastoral Head, Chair of Governors, Office Manager, Heads of Year, Safeguarding Lead of all Birmingham primary and secondary maintained schools and Academies (including Free Schools and Special Schools).

Information and Action Required:

Revised procedure for referring pupils withdrawn from school to be electively home educated.

The responsibility for ensuring that a child receives a suitable education rests with their parents. In England, education is compulsory but school is not and you will be aware of parents' right to elect to home educate.

In the majority of cases, the decision to home educate is carefully informed and most home educating parents make adequate plans to ensure that the provision of suitable education for their children is maintained. Unfortunately, a minority of parents are not as informed or committed to home education as the majority are. This can result in the child's education being compromised and, at worst, to them being placed at significant risk of harm. It is therefore vital following their withdrawal from school that you confirm and ensure the safety of these children by taking immediate steps to engage with their parents and by prompt information sharing with or by referring to appropriate agencies and colleagues.

I would ask that you, staff in your school/academy and your governing body and aware of the current procedure that you should be followed when a parent informs the school that they intend to withdraw their child from school to home educate them:-

- If you have any concerns about the child's safety/welfare you should make a referral, without delay, to Children Information Advice Service on 303 1888 and refer to the Elective Home Education Team on 464 7215
- Although parents do not have to seek the permission of the local authority to home educate but **they must** inform Head teachers in writing of their decision to withdraw their child from school. If written notification is not received prior to withdrawal, the child's absence from school should be treated as unauthorised in line with your current attendance/absence procedure.
- Following any approach by parents seeking guidance on withdrawing their child from school to home educate, please signpost them to the Local Authority's website (www.birmingham.gov.uk/home-education) for further information. It would be helpful if you could give them a copy of the EHE Policy and EHE Guidance for Parents documents, both can be found as pdf documents on this website and ask them to consider this information before withdrawing their child

from school.

- Depending on the circumstances leading to the family's enquiry about elective home education, the school should also discuss other possible alternatives with them. These may include signposting to other agencies (such as Parent Partnership), access to before / after school clubs, a managed move or alternative provision, as appropriate.
- If parents wish to purse their right to home educate and following receipt of a letter from parents notifying you of their decision to withdraw a child from school to home educate, a referral should be made immediately to the Elective Home Education Team at School Admissions and Pupil Placements, using the referral form attached (SAPPSEHE-1 March 2013). If the child has an Education Health and Care plan (EHC plan), the school should also inform the Special Educational Needs Assessment and Review Service ("SENAR").
- The Education (Pupil Registration) (England) Regulations 2006 (regulation 8(1)(d)) state that a school must delete the child's name from its admissions register upon receipt of written notification that the child is receiving education otherwise than at school (unless the child has an EHC plan and is on roll at a special school see below). The school should write to the family informing them of the date the child's name was removed from the register.
- Whilst we accept that schools must comply with regulations above, we would ask that the pupil's place is left open for at least 10 schools days for possible reinstatement.
- In cases where parents/guardians write to inform the school of their decision to home educate a child who has an Education, Health and Care plan and is on roll at a special school, the child must remain on roll until SENAR give permission for the school to deregister the child.
- I would advise that you maintain a precise record of all your actions following your receipt of notification from the parents.

Thank you in anticipation of your assistance.

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ELECTIVE HOME EDUCATION

Guidance for Parents

Revised August 2013

Elective Home Education School Admissions and Pupil Placements PO Box 16524 Birmingham B2 2FP

0121 464 7215

Welcome to this guidance pack, which aims to explain the Local Authority's procedures regarding elective home education and to offer advice to parents or carers who are, or who are considering, home educating their child.

The guidance includes the perspective of Birmingham Local Authority in fulfilling its duties and includes extracts from 'Elective Home Education – Guidance for Local Authorities 2007' published by the Department for Children, Schools and Families.

Further information on aspects of home education can be found on our website (www.birmingham.gov.uk/home-education).

KEY CONSIDERATIONS BEFORE CHOOSING TO ELECTIVELY HOME EDUCATE

Home educating can feel daunting at times, but many people find it works well for their children and family and that the children achieve well both academically and socially. However it is a significant decision and you may want to make sure you have considered the issues below.

Think carefully about your decision. It is a great responsibility, demanding a lot of commitment, energy and time.

Consider how you will ensure your child's learning before making a decision. Research a range of topic areas e.g. what else does mathematics involve apart from number work? Explore local sports facilities etc and consider arranging opportunities for social contact with other children.

Look at potential costs involved. There is no Local Authority funding available for those who wish to Electively Home Educate, even though there may well be costs for books, paper, computer, equipment, educational visits, etc. The Internet and Birmingham's Library Services are good sources of free learning resources.

You will also be responsible for arranging and funding public examinations (such as GCSEs), if appropriate.

Keep your options open. Your child's needs change at different ages and stages. The Local Authority will always be happy to help you find a school place, should you decide not to continue home educating your child. Make the most of all support and information available.

Consider carefully any decision to remove your child's name from their school's register. Should you change your mind, the Local Authority is unable guarantee that your child could return to the same school. Bear in mind the pressure on school places in your area; local schools may not have places available.

If you have a difficulty or disagreement with your child's current school, teacher or Head Teacher, you may wish to contact the school's governing body to try and resolve the difficulties before removing your child from the school. You may decide to consider other local schools for your child and the number for the Local Authority's School Admissions and Pupil Placements Service is given in the appendix to this document.

FREQUENTLY ASKED QUESTIONS

At what age is it compulsory for children to have to receive full time education?

Children must receive full time education from the start date of what would be the school term following their fifth birthday. Compulsory education currently continues until the last Friday in June of 'Year 11' (any child who is sixteen years of age between September and 31 August is of compulsory school age until the last Friday of June in that year).

Do I need anyone's permission to educate my child at home?

No, but once you have made the decision to home educate you will need to follow one of the steps below, depending upon your child's circumstances;

- If your child is registered at a school, you should immediately inform, the Head Teacher in writing of your decision. We do request that parents also inform the Local Authority's Elective Home Education Team in writing at the contact address on the front page of this document.
- If your child has an Education, Health and Care Plan and is registered at a school, you should immediately inform in writing the Head Teacher in writing of your decision. The school will then liaise with the Local Authority's Special Educational Needs and Review Service ("SENAR") to ensure appropriate procedures are followed and suitable advice is given. We do request that parents also inform the Elective Home Education Team at the contact address on the front page of this document. If your child has an Education, Health and Care Plan and is on roll at a special school, their name will remain on the register of that special school until SENAR are satisfied that the educational provision you have made for your child meets their special educational needs, whereupon your child's Education, Health and Care Plan will be adjusted accordingly.

 If your child is not on roll at a school, you are not required to inform the Local Authority of your decision to home educate. However, we do request that you inform the Elective Home Education Team at the contact address on the front page of this document.

What if my child has an Education, Health and Care Plan?

All parents, including the parents of children with special educational needs, have an equal right to educate their child at home. However, if a child has an Education, Health and Care Plan, the Local Authority continues to have a duty to ensure that the child's special educational needs are met.

The Local Authority will work in partnership with parents to ensure that suitable arrangements are available to meet the child's special educational needs. However, parents should be aware that they have a duty to provide their child with an efficient, full-time education suitable to the age, ability and aptitude and to any special educational needs the child may have, in line with section 7 of the Education Act 1996, whilst the Local Authority has a duty:

- to maintain the child's Plan;
- to review the Plan annually; and
- to decide whether its contents are appropriate or whether the Plan should remain in force.

At the annual review of a child's Education, Health and Care Plan, SENAR, on behalf of the Local Authority, will consider the child's progress and whether any changes are needed to the Plan. Parents are always invited to attend the annual review meeting to ensure that the Local Authority can develop as full a picture as possible of the child's progress and to help identify any changes that may be needed.

In addition, a parent who is educating a child at home may ask the Local Authority to carry out a statutory assessment or reassessment of their child's special educational needs and the Local Authority must consider the request within the same timescales as the requests that it receives from any other parent.

When the parents of a child with an Education, Health and Care Plan decide to withdraw them from a maintained school in order to educate them at home, the Local Authority will ask the parents how they intend to meet the child's special educational needs outside the school setting. If the Local Authority is satisfied that the educational provision is suitable, it will amend the Education, Health and Care Plan to specify the type of school the Local Authority considers appropriate for the child and add that "the parents have made their own arrangements under section 7 of the Education Act 1996".

However, if the school from which the child is being withdrawn is a special school, as the consent of the Local Authority is required before the child's name can be removed from the school's pupil roll, the parent will need to contact the Local Authority directly about their wish to educate their child at home.

In relation to all aspects of special educational needs, the Local Authority's Elective Home Education [EHE] Advisers can offer guidance to parents and will offer to meet you to discuss provision.

Are there organisations or groups of other home educators who may be able to offer advice and support?

There are several organisations aimed at helping and informing Home Educating families and there are also several informal networks in the Birmingham area. Some organisations, including Education Otherwise and the Home Education Advisory Service, will be able to put you in touch with members who are happy to be contacted to give support and answer questions.

Talking to others who are already educating their children at home may well save you reinventing the wheel. A few of these organisations are given below, but this is by no means a complete list;

Education Otherwise - <u>www.education-otherwise.net</u>

0845 478 6345

EO Local Contact Site - www.homeeducationbirmingham.org.uk/

EO_LC_bham@yahoo.co.uk

Home Education - <u>www.heas.org.uk/</u>
Advisory Service Tel: 01707 371854

Education Everywhere - http://www.educationeverywhere.co.uk/

Helpline: 01942 897779

Home Education -

in the UK

http://home-ed.info/

Home Education UK - <u>www.home-education.org.uk/</u>

Ed Yourself - http://edyourself.org/

'HELM'

Another source of ideas for trips, visits, resources and activities is the Home Educators Local Magazine (HELM) and this is available by email (via the Education Otherwise Local Contact from the website, www.homeeducationbirmingham.org.uk/, or email EO LC bham@yahoo.co.uk if you wish to receive this).

Can I educate my child part-time at home and part-time at school?

The Government has recently confirmed that, where parents have already entered into "flexi-schooling" arrangements, schools may continue to offer those arrangements. However, as schools may only mark a pupil who is receiving education off-site as attending school if the school itself is responsible for supervising the off-site education (which, in the case of a child who is educated part-time at home, would not be the case), pupils will be marked absent from school during periods when they are receiving home education.

Can I change my mind about elective home education?

Yes. If at any time you wish your child to return to school full time, then you can seek a place in a school and let the Local Authority know by contacting the Elective Home Education Team, who will then seek advice from the School Admissions and Pupil Placements Service, or you may contact the Admissions Service directly. Their contact details may be found in the appendix to this document. Parents / carers need to be aware that the normal admissions procedures will apply and your child's admission to your preferred school will be subject to a place being available in the appropriate year group at the school. Waiting lists for certain schools, and in some areas of the city, are very long. In addition, it may be very difficult to find a place in year 10 or 11, as schools are part-way through GCSE courses.

Do I have to teach the National Curriculum?

The National Curriculum only applies to state schools. It is up to you and your child what, how and when you study providing it is appropriate for their age, ability and aptitude.

Will I have to arrange for SATS testing?

No. It is only state schools that are required to carry out SATS tests. The Local Authority will not test your child.

Can my child still take GCSEs and other examinations?

It is possible for young people to take examinations, as external candidates at various examination centres. As the parent / carer, you will need to find a registered centre at which your child may take the examinations. It would be advisable for you to also contact individual examination boards (see appendix) to discuss the arrangements for private candidates. You will have to pay for any examination registration fees, examination centre fees and assessment of coursework, by an accredited person / body.

A wide range of apprenticeships and work based learning programmes are available to young people with good GCSEs. They are also required for many college courses. Alongside qualifications like 'A' levels and National Diplomas, Universities often require GCSEs, particularly in English and mathematics (Grade C and above). Once a pupil is 16 years of age, they can enrol in a wide range of adult courses including A / AS level examinations. The Open University is a good source for a range of study. Details of examination bodies are included in the Appendix.

Will my child be entitled to careers advice?

Yes, careers advice is now offered through Connexions Service for all 13-19 year olds. If you child is over 13 years old, you can contact Connexions (see appendix), who will explain how they can help.

How will the Local Authority decide if the education I am providing is suitable?

If you withdraw your child from a Birmingham school in order to educate them at home, an Adviser from the EHE team will contact you with a view to arranging to meet with you. The purpose of this meeting is to discuss the education you are providing, or intend to provide for your child, to offer advice if wanted and to try to answer any questions you may have.

We acknowledge that initially your educational provision may not be fully developed, but we would expect you to be able to provide information regarding your child's education within four weeks of request or, if this were to prove difficult, within an agreed timescale.

The discussion will vary depending upon the style of education you are providing, but could include:

- Your plan or philosophy for your child's education
- Resources
- How you will assess your child's progress
- Any arrangements for public examinations where appropriate
- Where applicable, how you will meet any special educational needs your child may have

Whilst the Adviser will be happy to visit you at home, you may prefer this and any future meetings to take place other than in your home. Whilst this can be arranged, it would be helpful if you would bring information concerning the education you are providing, or planning to provide for your child, to the meeting. A record of all meetings will be completed and signed by the relevant Local Authority officer and a copy sent to you.

If the Adviser for the Elective Home Education Team feels that the arrangements are appropriate, they will seek to arrange a follow up visit approximately once a year to discuss your child's progress and future educational plans.

What if the Adviser for Elective Home Education is not satisfied?

If the Adviser is not satisfied with the provision, they will provide you with a written report of their findings, specifying the grounds for concern and any reasons for concluding that the provision is unsuitable. If you wish, the Adviser will make some practical suggestions as to how you might address these concerns.

The Adviser will then set a date by which further information is to be provided and will arrange another visit, giving you time to develop your provision.

If the Adviser still believes that a suitable education is not being provided, you will be advised to register your child at a school and informed of school places available in your area.

As a last resort, if you are unable to satisfy the Local Authority that suitable full-time education is being provided for your child, it may issue a School Attendance Order, which will name a school for your child to attend. Failure to register your child at that school may result in the matter being taken to court.

Will the Local Authority help plan lessons or provide practical / financial support?

The Local Authority receives no funds from central government to support Elective Home Education.

The Adviser will not be able to direct the learning that is taking place nor can he / she accept any responsibility to plan your child's education and carry it out. Information and advice can be given including websites and useful contacts but the Local Authority is unable to provide any books or equipment.

What information can I provide to demonstrate a suitable education?

There is no acknowledged 'correct way' to provide an education at home, but suggested below are some examples of the sort of information you may be able provide to demonstrate that your child is receiving a suitable education. These are not exhaustive and may not be relevant to the style of home education you chose to adopt and you may wish to provide other information that demonstrates a suitable education;

- The aims and objectives of the education you are planning, for instance;
 - > to 'keep-up' with the National Curriculum (e.g. while you are seeking a school place)
 - > to prepare your child for specific exams
 - based upon an educational belief or philosophy
- Although the National Curriculum is optional for home educators, you may choose to cover particular subject or topic areas such as: -
 - Literacy (English)
 - Numeracy (Maths)
 - > Science
 - > ICT (Computers, etc.)
 - Design and Technology (including cooking, textiles, etc.)
 - > Art
 - > History
 - Geography
 - Religious Education
 - Personal, Social and Health Education
 - Citizenship
 - Music
 - ➤ Foreign Language
 - Any other subjects or areas of study
- How your child might spend their day, for example:
 - the number of hours a day / week you are available to help your child
 - the resources you will be using
 - > any tutors used, or classes your child attends
 - > the sorts of activities your child will be engaged in
 - how you will encourage contact with other children
- How will you know that your child is making progress? Are your methods and resources achieving your aims?
- Support available to you: -

- > A description of any support or advice that will be available to assist you with your programme
- > Others who may be able to help (friends, family?)
- > If you are aware of any local support groups who may be able to help you?
- During any follow up visits or discussions, there will be the opportunity to discuss the education you have been providing for your child and the progress being made.