



# Elective Home Education Policy

V8 January 2025

Next Revision Due June 2025

## **1. Introduction**

- 1.1 This policy aims to inform current, future and prospective home educating families on the responsibilities around elective home education. It also aims to support professionals from both local authority and School/education settings, when working alongside the Elective Home Education (EHE) team.
- 1.2 Our EHE team currently sits within Education Engagement and consists of two elective home education officers, who work alongside the home educating families based on geographical areas – one officer working in the north and one in the south area of Worcestershire.
- 1.3 **Elective home education** is a term used to describe a choice by parents to provide education for their children at home - or at home and in some other way which they choose – an alternative of sending them to school full-time. This is different to education provided by a local authority otherwise than at a school (EOTAS)- for example, tuition for children who are too ill to attend school.
- 1.4 Children whose parents chose home based education will not be 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.
- 1.5 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. Where parents choose to home educate, Worcestershire County Council seeks to work with the parents to build effective relationships in order to foster and develop the educational interests of children and young people; these relationships should be rooted in mutual understanding, trust and respect.

## **2. The Law relating to Elective Home Education**

- 2.1 Section 7 of the Education Act 1996 states:

**“The parent of every child of compulsory school age shall cause them to receive efficient full-time education suitable**

**(a) to their age, ability and aptitude,**

**and**

**(b) to any special educational needs they may have, either by regular attendance at school or otherwise.”**

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 that “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.”

- 2.2 There is no legal definition of what constitutes a “full-time” education.
- 2.3 When choosing to take full responsibility for the education of their child rather than choosing to use a school/education setting, parents take on financial responsibility for the cost of doing so, including the cost of any external assistance used such as tutors, parent groups or part-time alternative and any examination arrangements.

- 2.4 WCC recognises that parents may choose to have their child receive an education other than within a school/education setting and offers advice and support for those families who take responsibility for the education of their children.
- 2.5 For the purpose of this policy, the term ‘parent’ will be used to refer to anyone holding parental responsibility as set out in Sec 576 of the Education Act 1996 as follows:
- All natural parents, whether married or not;
  - Any person who, although not a natural parent, has parental responsibility for a child or young person;
  - Any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law.

## 2.6 Children Looked After –

*‘Local authorities acting as corporate parents of looked-after children should bear in mind that they assume the duties of parents under s.7 of the 1996 Education Act to ensure that the child receives a suitable full-time education; and local authorities in whose areas such children are placed by other authorities should take the same steps to ensure that the child is not missing education as they would for any other child resident in their area. It is legally possible for a looked-after child to be educated at home (for example by foster carers) if the local authority as corporate parent decides this is appropriate after discussion with the carers.’*

(Elective Home Education, Departmental guidance for local authorities, April 2019, para 10.23).

Worcestershire County Council believes that, whilst it is legally possible for a child who is looked-after to be educated at home, this would only be under very exceptional circumstances. Schools can often be a powerful protective factor for some children and young people and can provide broad and deep benefits to a child/young person’s life.

## 3. Key Principles

- 3.1 Worcestershire County Council recognises the diversity of approaches to elective home education and will not favour any particular approach.
- 3.2 The European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2 of Protocol No 1 also supports this by stating: “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 an education and teaching is in conformity with their own religious and philosophical convictions.”
- 3.3 The Local Authority will actively promote positive dialogue with parents to develop effective partnerships and relationships.
- 3.4 The Local Authority will actively work in partnership with parents and other services to identify those children who are not in receipt of a suitable education.

#### **4. Elective Home Education -The Process**

4.1 There are no specific legal requirements as to the content of home education, provided the parents are meeting their duty in S.7 of the Education Act 1996. This means that education does not need to include any particular subjects and does not need to have any reference to the National Curriculum; there is no requirement to enter children for public examinations, although they may choose to do so. There is no obligation to follow the 'school day' or have holidays which mirror those observed by schools.

The local authority normally becomes aware that a child is home educated once a parent states their intention to take responsibility for the education of that child and School completed the de-registration process. Local Authority approval for removal from roll is not required for any child to be home educated unless:

- a) The child currently attends a Special School and/or,
- b) Is registered at a school as a result of a School Attendance Order.

Once notification has been received of a family's decision to withdraw their child from School to home educate, the school must notify the local authority as soon as the grounds for deletion from roll are met.

4.2 Where a child attends a special school the parent must write to the local authority's Special Educational Needs Service to seek agreement for part 4 of the child's Education Health and Care Plan (EHCP) to be amended.

Where parents choose to home educate a child with a plan who is registered at a mainstream school, the school will remove the pupil from roll following written confirmation from the parent that educational provision is being made otherwise than at school. Local authority approval for removal from roll is not required irrespective of whether or not the child has an EHCP unless registered at a special school. On confirmation of a child's removal from roll for EHE, the EHE team will notify the SEN Assessment team who will make arrangements to review the EHCP. EHE Officers may attend the review if a parent requests and where time allows

4.3 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, however, should not wait for parents to give written notification that they are withdrawing their child from school before advising their local authority. Schools must make a return to the local authority as soon as the ground for deletion is met, and no later than deleting the pupils name from the register.

4.4 Schools must not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of the exclusion, they must follow the statutory guidance. If the pupil has a poor attendance record, the school and Local Authority must seek to address the issues behind the absenteeism and use other remedies available to them. Where a parent has opted to home educate as a last resort or following a dispute with school, all attempts should be made to resolve issues and support should be offered to parents where appropriate.

4.5 Once notification is received that a family has to home educate their child/ren, the elective home education team will seek to offer advice and guidance to families and ensure parents are aware of their responsibilities around home education and the financial implications. This forms the

'Triage' stage of our process. At the point of triage any questions or concerns are discussed and families are offered the opportunity of a home visit by an elective home education officer should they so wish. The Triage process plays an important role in establishing positive working relationships between the Local Authority and Worcestershire EHE families. We aim to conduct all triage enquiries within 10 working days following notification being received via the WCC online portal system.

Local Authorities have a responsibility to enquire what education is taking place, for all children of compulsory school age and our EHE team will aim to ensure informal enquiries are carried out in a timely and effective manner. At the point of triage, a 10 week review date will be discussed, to allow the Local Authority to be able to ascertain a suitable education is taking place. This is done through our Initial Request Form (IRF) which will give parents the opportunity to provide information on the nature of the education taking place.

A home visit could be offered if parents would like their EHE Officer to see the work that is being undertaken, also giving an opportunity for face-to-face advice, guidance and support.

- 4.6 The simple fact that a child is being educated at home does not mean that he or she is not receiving a suitable full-time education. However, in order to fulfil their section 436A duty, local authorities are entitled to make informal enquiries of parents to establish what education is being provided. The local authority is therefore likely to make such enquiries if it becomes aware that you are educating a child at home - or may be doing so. As parents you are under no legal obligation to respond, but if you do not, the local authority is entitled to conclude from the absence of any response that it appears that your child is not receiving a suitable education, with a potential referral to the CME team being made.
- 4.7 In the majority of cases, home education is a positive experience and supports the lifestyle choices of the family, however in some cases it is not possible to ascertain whether an education is taking place. In these cases the Local Authority may be required to take further steps to fulfil their duty. In some cases home education may be attempted as a last resort. This appears to be occurring more frequently and is likely to have implications for the quality of home education provided. Such families may require more support and guidance.
- 4.8 Under s.437(1) of the Education Act 1996, local authorities must act if it appears that parents are not providing a suitable education. This section states that:

**"If it appears to a local 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 specified for a response shall not be less than 15 days beginning with the day on which the notice is served.

- 4.9 Where we are unable to make contact or establish that an education is taking place, we may work alongside the Children Missing Education team (CME) who will make enquiries to ascertain the whereabouts of the young person and the intention with regards to their education. This will follow a series of attempts to make contact via telephone, written correspondence and the potential of a home visit.

In the majority of cases, the educational experiences of home educating families can easily be deemed as 'suitable' through the 10 week review process. The Elective Home Education team will forward Information Request Forms (See appendix) to families to complete, which will form the

basis of our enquiries around the suitability of the education being provided. Where the child's home education is deemed suitable, an annual review date will be arranged and until this time the Local Authority will remain satisfied that an effective education is taking place. It is important that the authority's arrangements are proportionate and do not seek to exert more oversight than is actually needed where parents are successfully taking on this task.

Upon the 12 month review date, an Officer from the EHE team will make contact to ascertain whether the young person continues to be educated at home. This may be through written correspondence or telephone contact. Upon receipt of information from the parents stating that they continue to home educate their child, the Local authority will again set a date in 12 months time to make contact. Should this information not be received in a timely way, or the EHE officer is unable to make contact with the family, a referral would be made to the Children Missing Education Team. (See EHE Flowchart)

## **5. The Local Authority's duty to Safeguarding**

5.1 Local Authorities have a responsibility to ensure the safeguarding of its young people of compulsory School age, regardless of how or where they are being educated. The fundamental principles around safeguarding apply to all young people and remain a priority in all we do.

5.2 Sections 10 and 11 of the Children Act 2004 give local authorities general duties for promoting the well-being and (in relation to their non-education functions) safeguarding and promoting the welfare of children in their areas. This includes children educated at home as well as those attending school. Section 175 of the Education Act 2002 requires authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare. Therefore, the general duties of local authorities in relation to safeguarding are the same for all children, however they are educated.

\*It is important to point out that There is no proven correlation between home education and safeguarding risk. In some serious cases of neglect or abuse in recent years, the child concerned has been home educated but that has not usually been a causative factor and the child has normally been known anyway to the relevant local authority.

5.3 Ofsted conducts periodic inspections of local authorities, and this includes a review of the way in which they carry out duties in relation to vulnerable children. Although home educated children are not intrinsically 'vulnerable', such reviews will include children missing education and therefore cover the work of the authority on those children who are being educated at home (or may be educated at home) but the authority is not satisfied they are receiving a suitable education. Reports of local authority inspections are available on the Ofsted section of the gov.uk website. Ofsted has no role in the oversight of education received by individual children who are educated at home.

**Appendix 1 – EHE Flowchart**



