

# **Elective Home Education Policy**

**December 2023**

**Children and families**

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# Policy, Procedure and Guidance for Elective Home Education

## 1. INTRODUCTION

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 – as an alternative to 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.

Our EHE team currently sits within Herefordshire County Council's Children Services and consists of two Elective Home Education officers who both spend 50% of their time working alongside home-educating families.

This document sets out the procedures and guidance to enable Herefordshire Local Authority to fulfil its statutory functions regarding children who are being educated at home under Section 7 of the 1996 Education Act.

## 2. HEREFORDSHIRE'S PRINCIPLES FOR ELECTIVE HOME EDUCATION

### **We believe that:**

- School-based education provides a broad and balanced curriculum that promotes social and physical development, moral and spiritual awareness, and equal opportunities.
- As well as educational needs, we will take the personal, health, and welfare interests of individual children into account at all times. Ensuring that children and young people in receipt of EHE are safeguarded is an essential element of the monitoring role of the LA.

- Parents have the legal responsibility to ensure that their children are properly educated and we respect their right to choose to educate their child in a setting other than at school according to their philosophical, ideological, or religious views and beliefs.
- The decision by parents as to how to educate their child, whether at school or at home, should be an informed, active, and positive one. It is important that parents obtain sufficient information when making that decision.
- To provide assistance to parents who educate their child other than at school, we will promote regular dialogue and partnership work to ensure a suitable education is provided.
- Educating a child within the home may be a more challenging way in which to provide an efficient and suitable full-time education than at school. We will support the choice of parents who elect to home educate, unless it appears to us that suitable provision is not being made for the child or that the safety of the child is a concern.

Note: For the purpose of this document the term ‘parents’ includes anyone who has parental responsibility.

### **3. THE LAW RELATING TO ELECTIVE HOME EDUCATION**

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; however, ‘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’.

There is no legal definition of what constitutes a 'full-time' education:

- When choosing to take full responsibility for the education of their child rather than choosing to use a school/education setting, parents take on the financial responsibility for the cost of doing so, including the cost of any external assistance used such as tutors, parent groups, part-time alternative provisions, and examination arrangements.
- Herefordshire County Council recognises that parents may choose to have their child receive an education other than within a school/education setting and offers advice and support.

#### **4. PROCEDURES**

1. Parents inform the school where the child is registered, preferably in writing, that they intend to educate their child at home, although there is no legal requirement to do so. The school should then immediately inform the Local Authority Elective Home Education Officer (EHEO).
2. Whenever possible, the Local Authority will encourage parents to discuss a planned education form before putting any provision into effect. Schools could, therefore, invite parents to a meeting which will be attended by the representatives of the Local Authority whose role will be to offer independent advice to the parent. Failing that, a meeting between the parent and the EHEO before de-registration might be prudent. In the event that parents, upon being offered a meeting, do not wish to meet then schools should remove the child's name from the school roll upon receipt of the letter from the parent and immediately inform the EHEO. The child's school place should remain 'open' for 10 working days whilst the EHEO contacts the parent to discuss their decision.
3. The EHEO will send the parent a copy of Herefordshire's Elective Home Education Guidance as well as the DFE Departmental Guidance for Parents. The EHEO will ask the parents to complete a 'Planned Education Form' online. This is a useful basis for initial discussions with the EHEO. Although there is no legal requirement on parents to complete documents, it does help the LA to establish, informally, what educational provision is being made for the child and how the parents are discharging their Section 7 duty.
4. The EHEO will then make contact with the family to discuss the educational arrangements that are being proposed. This discussion may be via phone, MS Teams, or in person. Parents are under no obligation to agree to a discussion. This discussion will not be more than six weeks from the initial contact. The purpose of the discussion will be to establish:
  - The reasons the family has opted to home educate.

- What the family hopes to achieve by home educating their child.
  - Any concerns or worries they may have regarding their decision.
  - Using this as a baseline, the discussion should be seen as supportive of the child and accepting of the parents' rights to educate their child at home.
5. A further discussion, in consultation with the parent, will be offered two months after the initial contact to establish the success and progress of the arrangement and to offer on-going support for the family, if requested.
  6. In the course of the functions placed upon LAs by the Education Act 2002, the EHEO will ensure that children/young people's interests are safeguarded and their welfare promoted by them not being at risk of significant harm (see Safeguarding section below).
  7. Following contact with the parent (this normally follows a meeting or visit), a copy of the visit report will be sent to the parents, summarising the matters discussed and any recommendations made.
  8. Where the EHEO is satisfied that a parent is complying with his/her Section 7 duty (to demonstrate that education being provided is suitable) the educational provision will be reviewed every twelve months.
  9. If there is an annual review without a meeting, then consideration will be given to information provided which may be in the form of specific examples of learning e.g. pictures/paintings/ models, diaries of educational activity, projects, assessments, samples of work, books and educational visits (see Appendix A).
  10. If it appears, at subsequent meetings or contact, to the EHEO that a child of compulsory school age is not receiving an efficient or suitable full-time education, either by regular attendance at school or otherwise, the officer will explain and confirm in writing to the parent/carer stating that this is the case. Parents will then be given 4 weeks to improve the standard of education provided.
  11. If the LA does not see evidence of an improvement in education, the Notice of Evidence letter will be issued. The reasons for the decision will be outlined and the parents will have the opportunity to improve their arrangements over 15 days.
  12. At the end of the 15 days, the EHEO will determine whether the education now reaches the given standard. If there is no progress being made then a decision will be taken as to what next steps should happen or whether School Attendance Order (SAO) procedures should be invoked. This decision will be shared with the parent/parents.

## **5. CHILDREN WITH AN EHCP OR SEND**

Parents' right to educate their child at home applies equally where a child has an Education, Health, and Care Plan (EHCP). The Local Authority has a duty to review Education, Health, and Care Plans annually, following procedures set out in the 'SEND Code of Practice: 0 to 25 years'.

Prior to de-registration of a pupil from the school, the Head teacher will convene an Annual Review meeting:

- The parents, EHEO, the Educational Psychologist (if appropriate) and any other relevant officers, for example the SEND Officer, will be invited to the review meeting.
- The purpose of the meeting will be to discuss the needs of the child and the suitable educational provision to meet these.
- Following de-registration from the school, there will be an initial visit by the EHEO. The visit will focus on the curriculum, teaching strategies, and the individual planning in place for the child. It is accepted that plans may not be detailed in the initial phase of home education.

If a child with an EHCP is being educated at home, the SEND team will undertake the Annual Review or EHCP with an input from the EHEO. As long as the EHCP remains in place, the Local Authority has a legal duty to ensure that the child's needs, as set out in the EHC plan, are being met.

The Annual Review of the EHC plan will be carried out in the place considered most appropriate. The SEND Officer will act as Head teacher during the review.

The review should be carried out by the SEN Team in liaison with the EHEO. The EHEO will meet with the parents before the review to complete pre-review paperwork.

The EHE and SEND officers should have access to the EHCP and the most recent annual review report, and will consider whether the EHC plan should be maintained or cease.

If the content of the EHCP is not sufficiently detailed to inform this process and further consideration needs to be given to updating it, the SEN Officer will liaise with the EHEO with regard to this. It will be this officer's decision as to whether the EHCP is updated with advice from appropriate professionals e.g. educational psychologist.

Under Section 19 of the Act, a Local Authority must have regard to the views, wishes, and feelings of the child and his or her parents, or the young person.

A parent who is educating their child at home may ask the Local Authority to carry out a statutory assessment of their child's special educational needs and the Local Authority will consider the request within the same statutory timescales and in the same way as for all other requests.

## **6. CHILDREN MISSING FROM EDUCATION (CMIE)**

As highlighted in recent cases, the risk to children of becoming missed and 'invisible' to schools and other agencies should always be considered. It must be remembered that home educators might not be registered with the Local Authority. However the Local Authority will seek to ensure that as far as possible all children and families are known to the EHEO so that the relevant support can be offered.

Section 436A of the Education Act 1996 requires:

*'local authorities need to make arrangements which will as far as possible enable them to determine whether any children who are not pupils at schools, such as those being educated at home, are receiving suitable education. In order to do this local authorities should make inquiries with parents educating children at home about the educational provision being made for them.'*

The Children Missing from Education (CME) register is maintained by the Local Authority. Children who are identified as not attending school but have not formally entered EHE are put onto the CME register until such time as it can be ascertained whether a formal letter has been received by the school and the intention of the parent is to educate their child at home. Once this has been established contact is made by the EHEO and the student name/s will be taken off the CME register and placed on the EHE database.

## **7. ELECTIVE HOME EDUCATION AND SAFEGUARDING**

Local Authorities have a responsibility to ensure the safeguarding of its young people of Compulsory School Age (CSA), 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.



Sections 10 and 11 of the Children Act 2004 give Local Authorities general duties for promoting the wellbeing 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.

Should parents refuse to co-operate with reasonable requests for information or access, then, and, **if the EHEO has concerns about the welfare of the child, the EHEO has a duty to make an immediate referral to the multi-agency safeguarding Hub (MASH)** in order that an assessment can be made.

Schools are a 'safety net' for identifying and referring children in need and those showing signs of being at risk of significant harm. Therefore, the LA officers working with children educated at home should have knowledge of the Child Protection and Early Help procedures for the purposes of identifying children at risk and possess the ability to liaise and work together with child protection agencies to this end. It is important to bear in mind that unsuitable or inadequate education can also impair a child's intellectual, emotional, social, or behavioural development and may, therefore, bring child protection duties into play.

Where a child is already open to CSC, the EHEO will be included in all meetings pertaining to plans for the child. The EHEO is trained to the same level as a Designated Safeguarding Lead in a school.

## **8. SUPPORT AND GUIDANCE PROVIDED BY THE LA**

Children educated at home and their parents should not be excluded from the help and assistance available from specialist LA services or other relevant agencies. Parents will receive information about services that are normally available through school either via the EHEO or the 'local offer' described on the Local Authority website. This will include:

- **Health:** Home educated children can miss routine inoculations, PHSE, and other school-based health initiatives, e.g. anti-smoking, mental health support. Families will be contacted with details of any vaccinations to which their child is entitled.
- **Early Help:** Families who may be struggling and require additional support from external agencies can contact the Early Help Hub who will support and advise. 01432 260261

- **College links:** A 14-16 year old elective home educated child may be keen to attend college full or part-time. College information is provided by the EHEO.
- **Newsletters:** The EHE team send out regular newsletters to home-educating families.
- **Exams:** Parents need to contact examining bodies directly for the arrangements to sit exams. Advice can be sought from the EHEO.
- **Voluntary sector:** Parents are encouraged to avail themselves with advice and support from independent Home Education organisations:

[Starting Out - Education Otherwise  
www.home-education.org.uk](http://www.home-education.org.uk)

## 9. MONITORING ARRANGEMENTS

Records maintained will include the following:

- Review visit reports.
- Parent/carer evaluation of service.
- Planned Education form.
- Register of students.
- Data analysis of the number of children and young people who are electively educated at home will include the following details:
  - percentage of total population
  - key stage at which child started elective home education
  - the number of new referrals – *by gender*
  - the number of children and young people who have returned to school – *by gender*
  - the prime reason for choosing elective home education
  - the number of Education, Health and Care Plans of children and young people who are electively educated at home which are reviewed annually

### **Review arrangements for the Policy:**

A review of the policy will take place annually.

<b>Policy reviewed by</b>	<b>Date of policy review</b>
CL and NC	August 2024

### **Publication arrangements for the Policy:**

The policy will be available on the Herefordshire Council website and linked to The Safeguarding Children and Young People in Herefordshire website. A copy of the ratified policy will also be located in the Children's Social Care Safeguarding procedures through the Tri-X website.

Arrangements can be made for the policy to be translated or made available in a different form to support access arrangements upon request.

Useful links:

[School life - GOV.UK](#)

[www.c4eo.org.uk/themes/safeguarding](http://www.c4eo.org.uk/themes/safeguarding) (click on publications)

<http://www.education.gov.uk/aboutdfe/statutory/g00224510/children-not-receiving-suitable-education>

Policy updated by:

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## Appendix A: Evidence of Educational Provision

Activities that might show a satisfactory and appropriate education:

- Evidence of educational goals for the child and how these will be achieved
- Independent research
- Maths and English activities
- Using websites for learning
- Activities showing the progress achieved and feedback given to the child
- Activities which show preparation for everyday living (this could include growing and preparing food, animal care and handling money, using directions, accessing computers, understanding government and law)
- Developing social relationships
- Developing a knowledge of other subjects and topics
- Cultural activities, such as visiting theatres, museums, and art galleries
- Physical activities
- Information about certificates, courses, or exams a child is working towards
- Outdoor learning
- Thematic topic work
- Practical projects, e.g. designing and building a new pond.

Evidence of the above could include:

- A list of resources used (books and online)
- Evidence of independent research
- Workbooks
- Pieces of completed work
- Flowcharts or spider diagrams demonstrating a child's learning of a topic
- Completed worksheets
- Screenshot of work completed online

- Marked work giving feedback to the child
- Photographs of work and practical experiences
- Reflective diaries and logs recording what the child has learned
- Printouts of independent research
- PowerPoints
- Feedback or reports from tutors, online schools, or other providers
- A discussion with a child on topics, subjects, or achievements
- Evidence of social opportunities (for example attending clubs, sports, meetings, home education groups, or classes)
- A description of the progress achieved
- Scrapbooks of topics or interesting aspects of learning
- Evidence of the child's interests

## **Appendix B: School Information Request Form**

Child's last name	
Preferred name	
Date of birth	
Gender	
UPN	
Ethnicity	
Current year group	
Postcode	
Select the address	
Date of deregistration	
De-registration letter received by school (copy to be sent to LA)	Upload option
Attendance (percentage)	
Does the child have additional needs?	No SEN    SEN support    EHCP
If the child has an EHCP, please give the date of the last review	
Are there any safeguarding concerns?	Yes    No    CIN    CP

(Please contact the EHE team directly to discuss these)	
Which services have supported the child?	
<b>Parent's details</b>	
Title	
Parent's first name	
Parent's last name	
Title:	
Parent's first name	
Parent's last name	
Contact numbers	

Email addresses	
Postcode	
Select the address	





**Appendix C: Planned Education Form**

**Personal details**

Name of child		Date of birth	
Parent/carer name		Relationship to child	
Gender		Ethnicity	
Email address		Telephone number	
Home address			
Previous school			
Year group			

Does your child have an EHCP?

**Reasons for home educating**

Please tick all that apply			
Attendance difficulties/risk of prosecution	<input type="checkbox"/>	Did not get school preference	<input type="checkbox"/>
Bullying (including racism/homophobia)	<input type="checkbox"/>	Difficulty accessing school place	<input type="checkbox"/>

Please tick all that apply			
Feeling your child was not ready for school	<input type="checkbox"/>	Dissatisfaction with a particular school	<input type="checkbox"/>
Health needs of child (physical and/or mental health)	<input type="checkbox"/>	Dissatisfaction with the school system	<input type="checkbox"/>
Special Educational Needs and Disabilities not being met	<input type="checkbox"/>	Child unhappy/anxious about school	<input type="checkbox"/>
Behaviour needs not being met	<input type="checkbox"/>	Risk of exclusion	<input type="checkbox"/>

Other / additional information *(please detail below)*

**Plan for home education**

Please outline your approach for your child's learning including specific reference to English/Literacy and Maths/Numeracy e.g. *child led learning, following a curriculum*

**Plan for home education**

Please describe how learning is organised over a typical week. *We recognise that learning can take place at different times of the day and outside of school terms.*

Please list the types of equipment, resources and software that you use to support your child's learning? *E.g. private tutors, online learning programmes, home education groups, workbooks.*

As learning can happen outside the home and in many different settings, does your child belong to any groups or attend any activities

Please add any other information or comments you feel may be helpful, including any additional learning needs your child may have or any other key adults / organisations who may be involved in supporting your child.

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Name		Date	
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