

Elective Home Education Policy

Engaging and Monitoring Children Educated Other than at School

Revised January 2024

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**1. INTRODUCTION**

* 1. Elective home education (EHE) is the term used by the Department for Education (DfE) to describe parents’ decisions to provide education for their children at home instead of sending them to school. This is different from home tuition provided by a local authority or education provided by a local authority other than at school
  2. City of Doncaster Council aims to ensure parents are making informed decisions to home educate children and prevent it becoming a temporary solution to a problem, whilst providing appropriate support to find a solution to a problem.

In compiling this policy, the local authority has drawn on the information and guidance provided by DfE (Below) and other authorities. This policy is aimed to assist parents or carers who may be considering educating their child at home or who have already taken the decision to do so and to inform parents and carers of the legal position and the role of the LA.



<http://www.doncaster.gov.uk/homeeducation>

* 1. Throughout this guidance, ‘parents’ should be taken to include all those with parental responsibility, including guardians and carers. The term ‘child’ or ‘children’ refers to all children and young people who are legally required to receive an education.

**2.0 The law relating to Elective Home Education**

2.1. Education is compulsory in England; however, school is not.

Article 2 of Protocol 1 of the European Convention on Human Rights states:

*“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and 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 right to educate their child 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."

2.2 An efficient and suitable education is not defined in the Education Act 1966, 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/she is a member, rather than a 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 or she chooses to do so. It is for parents to fulfil their duty according to a reasonable interpretation of the term.

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

**Reasons for elective home education**

Home education is an option that any family may consider for their children. The reasons for deciding on this approach may be many, including those set out below:

* Ideological or philosophical views which favour home education, or wishing to provide education which has a different basis to that normally found in schools
* Religious or cultural beliefs, and a wish to ensure that the child’s education is aligned with these
* Dissatisfaction with the school system, or the school(s) at which a place is available
* Bullying of the child at school
* health reasons, particularly mental health of the child
* As a short-term intervention for a particular reason • A child’s unwillingness or inability to go to school, including school phobia
* Special educational needs, or a perceived lack of suitable provision in the school system for those needs
* Disputes with a school over the education, special needs or behaviour of the child, in some cases resulting in ‘off-rolling’1 or exclusion
* Familial reasons which have nothing to do with schools or education (eg using older children educated at home as carers)
* As a stopgap whilst awaiting a place at a school other than the one allocated

These are not mutually exclusive, and several factors might apply.

**3.0 Parental rights and responsibilities**

3.1 The responsibility for a child’s education rests with the parents and they will assume full financial responsibility, including the cost of any external assistance used such as tutors, parent groups or part-time alternative provision.

Parents are able to exercise their right to home educate their child from an early age and so the child may not have been previously enrolled at a school. They may elect to home educate at any other stage up to the end of compulsory school age.

3.2. Where a child has been registered at school parents are required to notify the school in writing that provision is being made for the child’s education otherwise than at school and request removal from the school’s roll. Written notifications via email are acceptable in law, but the parent will need to demonstrate the intended recipient received the email.

3.3 Parents are not required to register or seek approval from the LA to educate their child at home. However, parents must obtain the consent of the local authority to de-register pupils placed at a special school under arrangements made by a local authority. Where a child is registered at school as a result of a school attendance order parents must ask the Local authority to revoke the order.

3.5 The type of educational activity can be varied and flexible, there are no specific legal requirements as to the content of the 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 particular subjects, follow the National Curriculum, or follow the school day, and there is no requirement to enter for public examinations. Most families follow a clear academic and time structure, but it should not be assumed that families that take a different approach is unsatisfactory or is an ‘unsuitable’ education. Autonomous and self-directed learning approaches which are flexible should be judged by outcomes, not by a different way of educating their child.

3.7 Parents may choose to employ others to educate their child, though they themselves are still responsible for the education provided. In these circumstances, parents are responsible for ensuring that those whom they engage are suitable to have access to children. It is strongly recommended that parents arrange for a Disclosure and Barring Service (DBS) check prior to employment and that there are arrangements are made for on-going supervision.

**4.0 City of Doncaster Council** **accountabilities**

4.1 City of Doncaster Council recognises that there are many valid approaches to educational provision. What is suitable for one child may not be for another, but all children should be engaged in a learning process.

4.2 When the LA becomes aware that parents have elected to home educate, parents at the start may not yet be in a position to respond fully to the LA enquires. Therefore, initial contact will be made which gives reasonable timescales, advice, and guidance. Alternatively, they may wish to give a report to the LA in order to let them know what progress their child is making. It will be up to the parent to demonstrate to the local authority that the child is **making sufficient progress.**

4.3 Although the LA has no statutory duty to monitor the quality of home education on a routine basis, contact will be made with parents at least yearly to ask for information in order to keep the database up-to-date and to offer support and guidance to the family. Parents are under no obligation or duty to respond to this request, but if a parent does not respond or responds without providing any information about the child’s education, then it will normally be justifiable for the authority to conclude that the child does not appear to be receiving suitable education and it should not hesitate to do so and take the necessary consequent steps. This is confirmed by relevant case law. In many cases, making such informal enquiries will allow the situation to be resolved, either by evidence being provided that the home education is suitable or by agreement on alternative approaches to educating the child. The Local Authority Officers can be available to offer advice, guidance and support if required.

4.4 The legal duty of LA’s is concerned only with children who appear not to be receiving a suitable education. However, case law (Philips v Brown (unreported) 20 June 1980) established that a LA might make informal enquiries of parents who are educating their children at home. ‘... parents will be under no duty to comply however: ‘it would be sensible for them to do so.’

the LA will seek to gather any relevant information that will assist reaching a properly informed judgement. This could include:

* Contacting parents requesting any further information they wish to provide which explains how they are providing a suitable education.
* Parents being given the opportunity to address any specific concerns that the authority has.
* some parents may wish to discuss the provision they are making for the child’s education during a home visit, or at a mutually convenient and neutral location instead
* 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.
* Children are welcome and encouraged to attend any meetings and make contributions to the information provided. It is important to the LA that the views of the young person are sought and listened to.

‘If informal contacts do not resolve the position, then the 1996 Act provides a framework for formal action to ensure that a child does receive suitable education’.

4.8 Whilst there are no statutory duties in relation to the routine monitoring of the quality of home education, under Section 437(1) of the Education Act 1996, LAs shall intervene if it appears that parents are not providing a suitable education. This section states:

*“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 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 1996 Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

Section 437(3) of the 1996 Act provides for the serving of School Attendance Orders:

If:

1. a parent on whom a notice has been served under subsection (1) fails to satisfy the LA, within the period specified in the notice, that the child is receiving suitable education, and
2. In the opinion of the LA, it is expedient that the child should attend school,

the authority shall serve on the parent an order (referred to in this Act as a “school attendance order”), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named on the order.

City of Doncaster Council Local Authority considers that the taking of the above measures shall be a last resort after all reasonable avenues have been explored to bring about a resolution of the situation. At any stage following such an order, parents may present evidence to the LA that they are now providing a suitable and appropriate education and apply to have the order revoked. Ultimately failure by a parent to comply can lead to prosecution.

4.11 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 authority shall make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children.”*

Section 175(1) does not extend local authorities’ functions. It does not, for example, give LA’s powers to enter the homes of, or otherwise see children for the purposes of monitoring the provision of elective home education.

In a very small number of cases the LA may insist on seeing children in order to enquire about their welfare where there are grounds for concern, e.g., if there was evidence that a child was at risk of harm or neglect.

**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). This right is irrespective of whether the child has an Education, Health, and Care Plan (EHCP).

5.2 Where parents elect to home educate a child with an EHCP who is registered at a mainstream school, the school will remove the pupil from roll, following receipt of written confirmation from parent that educational provision is being made otherwise than at school. LA approval is not required regardless of whether or not the child has an EHCP unless registered at a special school.

5.3 If a child is registered at a school under arrangements made by the local authority, for example at a special school, the parent cannot de-register them to be home educated without the agreement of the local authority. If a child has Special Educational Needs, and particularly if they are registered at a special school, parents may wish to contact the Special Educational Needs Department for further advice.

5.4 Where a child who is home educated has an EHCP, the LA retains a duty to maintain and review it annually, following the procedures set out in the Code of Practice for SEN. Parents should always be involved in the review process. However, it is not mandatory to see the child or the home as part of the review. Where parents wish for only minimal contact and there are no other concerns, the annual review can serve as the annual contact for EHE purposes.

5.5 Parents do not have to arrange provision detailed in the EHCP but do have a duty to provide an education suitable to their child’s age, ability, and any special educational needs. Where parents elect to home educate a child with an EHCP, this change of placement will be reflected in the plan. The EHCP may identify provision to be secured by the LA, where the LA considers it necessary to assist parents to fulfil their responsibilities.

**6.0 Gypsy, Roma, and Traveller Children**

6.1 Local authorities should have an understanding of and be sensitive to the distinct ethos and needs of Gypsy, Roma, and Traveller communities. It is important that these families who are electively home educating are treated in the same way as any other families. Home education should not necessarily be regarded as less appropriate than in other communities.

When a Gypsy, Roma and Traveller family with children move into area, they are strongly encouraged to contact Admissions or the Attendance & Pupil Welfare Service for advice and help to access local educational settings.

**7.0 The law for schools on de-registration of a pupil**

7.1 The Education (Pupil Registration) Regulations 2006 as amended in 2016, set out the grounds under which a pupil’s name is to be removed from the admissions register of a school. Regulation 8(1)(d) states that a pupil’s name is to be deleted if:

*“He has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school.”*

7.2 As long as parents have notified the school of their intention to educate their child at home in writing, they are under no obligation to inform the local authority. This responsibility falls on the school, under Regulation 12(6), and the school must report the deletion no later than the time at which the pupil’s name is deleted from the register.

7.3 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 LA on the ground that the arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be removed from the school roll and educated at home.

7.4 Under no circumstances should schools seek to persuade parents to educate their child at home as a way of avoiding a suspensions/exclusion, because the child has poor attendance or other known issues. In the case of suspension or permanent exclusion, they must follow the statutory guidance. If the pupil has a poor attendance, the school and LA must seek to address the issues behind the absenteeism and use other remedies available to them. If there are problems at school, the LA would encourage parents to contact Attendance & Pupil Welfare Service for advice and guidance before asking for their child’s name to be removed from the school roll.

**8.0 Flexi-Schooling (other provisions)**

8.1 Some parents who wish to educate their child at home may also wish them to attend other provisions or school on a part-time basis e.g., one day a week, maybe to ensure specific subjects or to take advantage of the social context available. The child overall must be receiving a full-time education if they are of compulsory school age.

8.2 In English law, a child who goes to school must attend regularly but, under Section 444 of the Education Act 1996, the school would need to agree to flexi-schooling and there is no obligation to agree or provide reasons. If school agree the time spent being educated at home should be authorised absence and marked in the attendance register accordingly. In making complementary arrangements at home, the parents must ensure, under Section 7 of the Education Act 1996, that the education provided is suitable to the needs of their child.

8.3 Thus a combination of education at home and at school is perfectly legal, provided that two conditions are satisfied:

* the school has given permission, and
* the arrangements other than at school can be evidenced as suitable.

8.4 In the first of these, the school’s discretion is absolute – it is entirely a matter for the governing body, and there is no obligation to agree or even to provide reasons for the decision. In the second, the LA must satisfy itself that the educational provision is suitable under its normal monitoring arrangements.

8.5 Another form of provision available to home educated children aged 14-16 is part-time attendance at further education colleges, sixth form colleges and 16-19 academies or free schools. Again, this is normally to help with specific subjects and/or socialisation. When children who are educated at home attend such college settings part-time then the provision made should be taken into account by the local authority in deciding whether the education provided as a whole for the child meets the s.7 requirement

**9. Complaints**

9.1 Any concerns should in the first instance be communicated to the Service Manager, Attendance & Pupil Welfare Service

If concerns still remain, parents are able to make a complaint to the LA. Information on the LA complaints process can be found on the LA website – [www.doncaster.gov.uk](http://www.doncaster.gov.uk)

This policy considers its safeguarding responsibilities under the requirements of the Doncaster Safeguarding Children partnership, they can be contacted at:

dcsp@dcstrust.co.uk

Tel: 01302 734214

**Flow Chart for EHE Process**

Other LA’s, Health Services, Parent & Duty Call Referrals to be submitted to EHE Inbox.

Elective Home Education (EHE) Notification submitted by schools.

Business Support Officer (BSO) to process notification:

* Open to EHE on Synergy
* Add to the EHE Register spreadsheet
* Complete MOSAIC checks flag any children open to Social Care to the EHE Officers
* Allocate to EHE Officer.

BSO sends out Intro to EHE Letter informing parent contact will be made in 3 months to request information and include DFE guidance, DMBC link & EHE checklist. Date added to EHE register.

EHE cases open to Social Care /Early help, EHE officers will liaise with LP or SW and complete joint visit with EHE checklist.

After 3 months, BSO to send out ***Request for Information letter*** with an additional check on Mosaic in case of any safeguarding changes

**Information Received:**  **Information not Received/**

**Not suitable/No contact made:**

EHE Officers to check evidence daily and deem if suitable or not.

Not Suitable

officers update records - BSO to sends further Info Request (2-week deadline for email requests and 3-week deadlines for postage)

Suitable

EHE Suitable Letter and next contact is 12 months from the date.

If no response to Further Info Request or no contact is made at all, officers to update records -BSO to send S437 Letter with deadline date

If no response to S437 Letter,

EHE Officers to work as Child Missing Education case and start SAO process if appropriate.

\*Dates can be flexible - EHE Officers discretion