



**Education Inclusion Service**

# **Elective Home Education**

## **Guidance and Procedures**

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## **Introduction**

Elective home education is the term used by the Department for Education and Bath & North East Somerset to describe the educational provision made for children whose parents decide to educate them at home instead of sending them to school. This is different to home tuition provided by a local authority or education provided by a local authority other than at a school. These guidelines are intended for use in relation to elective home education only. Throughout this guidance, 'parents' should be taken to include all those with parental responsibility, including guardians and carers.

Children whose parents elect to educate them at home are not registered at mainstream schools, special schools, independent schools, academies, free schools, Pupil Referral Units (PRUs), colleges, children's homes with education facilities or education facilities provided by independent fostering agencies. 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.

The purpose of this guidance is to set out how Bath & North East Somerset will fulfil its statutory responsibilities, setting out the legislative position, and the roles and responsibilities of the local authority and parents in relation to children who are educated at home.

## **Reasons for elective home education**

Parents may choose home education for a variety of reasons. Bath & North East Somerset's primary interest lies in the suitability of parents' education provision and not their reason for doing so. The following reasons for home educating are common, but by no means exhaustive:

- distance or access to a local school
- religious or cultural beliefs
- philosophical or ideological views
- dissatisfaction with the system
- bullying
- as a short term intervention for a particular reason
- a child's unwillingness or inability to go to school
- special educational needs
- Parents' desire for a closer relationship with their children.

## **The law relating to elective home education**

The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not.

Article 2 of Protocol 1 of the European Convention on Human Rights states that:  
"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions."

Parents have a 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.”

The responsibility for a child’s education rests with his or her parents. An “efficient” and “suitable” education is not defined in the Education Act 1996 but “efficient” has been broadly described in case law<sup>1</sup> 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”.

<sup>1</sup> Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (12 April 1985).

## **Raising the Participation Age**

For young people who are being home educated, no hourly requirement of education applies. The amount and content of the home education is at the discretion of the home educator. In most circumstances it will be the young person themselves who states that they are home educated. If the authority believes there is some doubt in the matter, they may wish to seek confirmation of this from the parent or guardian, but no on-going monitoring of the education is required. If the authority has evidence to suggest that a young person who claims to be home educated is not, then they would be expected to clarify the position with the young person. (Participation of Young People in Education, Employment or Training Statutory guidance for Local Authorities September 2014)

**Young people** can leave school/home education on the last Friday in June if they are 16 by the end of the summer holidays, they must then do one of the following until the age of 18:

- stay in full-time education, eg at a college
- start an apprenticeship or traineeship
- work or volunteer (for 20 hours or more a week) while in part-time education or training

Local Authorities have neither obligation nor legal power to have any involvement in post-16 home education. However, Bath & North East Somerset may contact home educating families as the young person turns 16 to ask about future plans. There is no obligation on the family to respond but if there is no answer the young person may be recorded as NEET (not in employment education or training). Advice on post-16 options can be accessed via Youth Connect Service on 01225 396980

## **Parental rights and responsibilities**

Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age. 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. However, local authorities are encouraged to provide support where resources permit.

Parents must also ensure that their children receive suitable full-time education for as long as they are being educated at home.

## **Bath & North East Somerset's responsibilities**

Bath & North East Somerset has a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their area who are not receiving a suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school (for example, at home, privately, or in alternative provision). This duty does not apply to children who are being educated at home.

Bath & North East Somerset has 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.”

Section 437(2) of the Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

Prior to serving a notice under section 437(1), Bath & North East Somerset will look to address the situation informally. Where the Authority has information that makes it appear that parents are not providing a suitable education, parents will be asked for further information about the education they are providing. Such a request is not the same as a notice under section 437(1), and is not necessarily a precursor to formal procedures. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so.

Section 437(3) refers to the serving of school attendance orders:

“If –

(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local education authority, within the period specified in the notice, that the child is receiving suitable education, and (b) in the opinion of the authority 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 in the order.”

A school attendance order will only be served after all reasonable steps have been taken to try to resolve the situation informally. At any stage following the issue of the Order, parents may present evidence to the Authority that they are now providing an appropriate education and apply to have the Order revoked. If the Authority refuses to revoke the Order, parents can choose to refer the matter to the Secretary of State. If the Authority prosecutes the parents for not complying with the Order, then it will be for a court to decide whether or not the education being provided is suitable and efficient. The court can revoke the Order if it is satisfied that the parent is fulfilling his or her duty. It can also revoke the Order where it imposes an education supervision order.

Where the Authority imposes a time limit, every effort will be made to make sure that parents are not disadvantaged by the timing of the requirement. For instance, the time limit will not be set so that it expires during a school holiday period, when school and council staff may not be so available for advice and support.

Bath & North East Somerset 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.”

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

The Children Act 2004 (“the 2004 Act”) provides the legislative framework for developing children’s services as detailed in Every Child Matters: Change for Children.

Section 10 of the 2004 Act provides a statutory framework for cooperation arrangements to be made by local authorities with a view to improving the well-being of children in their area.

Section 11 of the 2004 Act sets out the arrangements to safeguard and promote the welfare of children. However, this section does not place any additional duties or responsibilities on local authorities over and above section 175(1) of the Education Act 2002.

As outlined above, Bath & North East Somerset has general duties to make arrangements to safeguard and promote the welfare of children (section 175 Education Act 2002 in relation to their functions as a local authority and for other functions in sections 10 and 11 of the Children Act 2004). These powers allow local authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern (section 47 of the Children Act 1989). However, such powers do not bestow on local authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.

Section 53 of the 2004 Act sets out the duty on local authorities to, where reasonably practicable, take into account the child's wishes and feelings with regard to the provision of services. Section 53 does not extend local authorities' functions. It does not, for example, place an obligation on local authorities to ascertain the child's wishes about elective home education as it is not a service provided by the local authority.

### **Safeguarding Information for parents**

Keeping children safe is everyone's responsibility and all must be mindful of concerns that may require extra vigilance. Children and young people of all backgrounds and from all communities can be affected by deliberate harmful online activity perpetrated by others. A child or young person can easily end up having conversations with people whose real identity they may not know.

Child sexual exploitation (CSE) is a type of child abuse and can happen when a child or young person is encouraged or forced to take part in sexual activity in exchange for something. The reward might be gifts, money, alcohol, drugs or emotional attention. It may appear to be a normal friendship or relationship but then develops into an abusive relationship with an imbalance of power.

Radicalisation is adopting extreme views. A child or young person may be exposed to new influences as they begin to explore ideas and issues via the internet or by attendance at groups.

There is a great deal of advice available for parents to help keep children and young people safe. Concerns about a child or young person at risk of sexual exploitation or radicalisation should be shared with those that can offer guidance and support.

### **Contact with parents and children**

Bath & North East Somerset acknowledges that learning takes place in a wide variety of environments and not only in the home. However, where it appears that a suitable education is not being provided, the Authority will seek to gather any relevant information that will assist them in reaching a properly informed judgement.

This will include seeking any further information from the parents that they wish to provide which explains how they are providing a suitable education. Parents will be given the opportunity to address any specific concerns that the Authority has. The child may also be given the opportunity, but is not required, to attend any meeting that may be arranged or invited to express his or her views in some other way.

Parents are under no duty to respond to such requests for information or a meeting, but it would be sensible for them to do so.

If it appears to the Authority that a child is not receiving a suitable education parents will be contacted to discuss their ongoing home education provision. Contact will normally be made in writing and a written report will be sent to parents stating whether or not the authority has any concerns about the education provision and giving the parents an opportunity to address them.

Where concerns about the suitability of the education being provided for the child have been identified, additional contacts may be offered with a view to helping parents provide a suitable education that meets the best interests of the child.

## **Withdrawal from school to elective home educate**

The first contact between Bath & North East Somerset and home educators often occurs when parents decide to home educate and approach the school (at which the child is registered) and/or the Authority to seek guidance about withdrawing their child from school.

The Education (Pupil Registration) (England) Regulations 2006 state that a 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. However, maintained schools and academies should not wait for parents to give written notification that they are withdrawing their child from school before advising their local authority.

Maintained schools and academies must make a return (giving the child's name, address and the ground upon which their name is to be deleted from the register) to the local authority as soon as the ground for deletion is met and no later than the date on which the pupil's name is deleted from the register. They should also copy parents into the notice to the local authority.

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 local authority on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be deleted from the school's register and educated at home.

Bath & North East Somerset encourages parents to inform them directly of the withdrawal of a child from school, but has no legal right to insist that parents do so. The only exception to this is where the child is attending a special school under arrangements made by the local authority, in which case additional permission is required from the Authority before the child's name can be removed from the register.

The Authority recognises that, in the early stages, parents' plans may not be detailed and that they may not yet be in a position to demonstrate all the characteristics of an "efficient and suitable" educational provision. The information pack, questionnaire and first visit will give parents the opportunity to develop their provision within a structured timescale.

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 exclusion, they must follow the statutory guidance. If the pupil has a poor attendance record, the maintained school with the support of the local authority or the academy must address the issues behind the absenteeism and use the other remedies available to them.

## **Providing a full-time education**

Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child. There is currently no legal definition of "full-time".

Children normally attend school for between 22 and 25 hours a week for 38 weeks of the year, but this measurement of "contact time" is not relevant to elective home education where there is often almost continuous one-to-one contact and education may take place

outside normal “school hours”. The type of educational activity can be varied and flexible. Home educating parents are not required to:

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

It is important to recognise that there are many, equally valid, approaches to educational provision. Local authorities should, therefore, consider a wide range of information from home educating parents, in a range of formats. The information 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, educational visits etc.

In their consideration of parents’ provision of education at home, Bath & North East Somerset will expect the provision to include the following characteristics:

- consistent involvement of parents or other significant carers – it is expected that parents or significant carers would play a substantial role, although not necessarily constantly or actively involved in providing education
- recognition of the child’s needs, attitudes and aspirations
- opportunities for the child to be stimulated by their learning experiences
- access to resources/materials required to provide home education for the child – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults.

If the Authority considers that a suitable education is not being provided, then a full written report of the findings will be made and copied to the parents promptly, specifying the grounds for concern and any reasons for concluding that provision is unsuitable. If the Authority is not satisfied that a suitable education is being provided, and the parents, having been given a reasonable opportunity to address the identified concerns and report back to the authority have not done so, Bath & North East Somerset will consider sending a formal notice to the parents under section 437 before, if necessary, issuing of a school attendance order (section 437(1)).

### **Children with Special Education Needs and Disability (SEND).**

Parents of children with Special Educational Needs have the same right to educate their child at home. This right is irrespective of whether the child has a statement of special

educational needs, an Education, Health and Care Plan (EHC Plan) or neither. Where a child has a statement of SEN and is home educated, it remains Bath & North East Somerset's duty to ensure that the child's needs are met.

Simply; where the statement or EHC plan sets out special educational provision that the child should receive at home, Bath & North East Somerset is under a duty to arrange that provision. Where the statement or EHC plan names a school as the place where the child should receive his or her education but the parent chooses to home educate their child, Bath & North East Somerset must assure itself that the provision being made by the parent is suitable to the child's special educational needs. In such case Bath & North East Somerset must review the statement annually.

Local authorities must have regard to the *Special Educational Needs and Disability Code of Practice*. Although this document primarily covers special educational needs in the school and early years' settings, it does give information about SEN in relation to home education (paragraphs 10.30 – 10.38 of the Code). The Code of Practice emphasises the importance of local authorities and other providers working in partnership with parents. The Code of Practice is statutory guidance and schools, local authorities and others to whom it applies must have regard to it. This means that, apart from the references to the law, these bodies do not have to follow the Code to the letter but they must be able to justify any departure from its guidance. The foreword states that the Code is designed to help these bodies to "make effective decisions but it does not – and could not – tell them what to do in each individual case".

If the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making "suitable arrangements", and the authority could not conclude that it were absolved of its responsibility to arrange the provision in the statement or EHC Plan. Parents need only provide an efficient, full-time education suitable to the age, ability and aptitude and to any special educational needs the child may have as defined in Section 7 of the Education Act 1996. It is the authority's duty to arrange the provision specified in the statement or EHC Plan, unless the child's parent has made suitable provision, for as long as a statement or EHC Plan is maintained. In some cases a combination of provision by parents and LA may best meet the child's needs. Local authorities should consider, for example, providing access to additional resources or treatments where appropriate.

Even where Bath & North East Somerset is satisfied that parents are making suitable arrangements, it remains under a duty to maintain the statement or EHC Plan and review it annually, following procedures set out in chapter 9 of the SEND Code of Practice. In some circumstances the child's special educational needs identified in the statement or EHC Plan will have been related to the school setting and the child's needs may readily be met at home by the parents without LA supervision. It may be appropriate, once it is established that a child's special needs are being met without any additional support from the LA, to consider ceasing to maintain the statement or EHC Plan. This may be done at the annual review or at any other time. Where the statement or EHC Plan is reviewed it should be made clear to parents that they are welcome to attend, but they are not obliged to do so.

Where Bath & North East Somerset is satisfied that the child's parents have made suitable arrangements it does not have to name a school in the child's statement or EHC Plan. There should be discussion between the authority and the parents and rather than the name of the school, the statement or EHC Plan should mention the type of school the

LA considers appropriate and that “parents have made their own arrangements under section 7 of the Education Act 1996”.

The statement should also specify any provision that the local authority has agreed to make under section 319 of the Education Act 1996 to help parents to provide suitable education for their child at home.

**If the school that the child is to be withdrawn from is a special school, the school must inform Bath & North East Somerset Council who must decide whether or not to give consent before the child’s name can be deleted from the school admission register. Bath & North East Somerset will need to consider whether the elective home education is suitable before amending the child’s statement or EHC Plan.**

A parent who is educating their child at home may ask Bath & North East Somerset to carry out a statutory assessment or reassessment of their child’s special educational needs and Bath & North East Somerset must consider the request within the same statutory timescales and in the same way as for all other requests. Bath & North East Somerset will provide information to home educators detailing the process of assessment and both its and home educators’ responsibilities with regard to provision should the child be given a statement or EHC Plan. The views of the designated medical officer for SEN should be sought by Bath & North East Somerset where a child with a statement or EHC Plan is educated at home because of difficulties related to health needs or a disability.

### **Flexi Schooling**

“Flexi-schooling” or “flexible school attendance” is an arrangement between the parent and the school where the child is registered at school and attends the school only part time; the rest of the time the child is home educated (on authorised absence from school). This can be a long-term arrangement or a short-term measure for a particular reason. “Flexi-schooling” is a legal option provided that the head teacher at the school concerned agrees to the arrangement. The child will be required to follow the National Curriculum whilst at school but not whilst he or she is being educated at home. Local authorities should make sure that head teachers are made familiar with flexi-schooling and how it may work in practice.

### **Further Education College Placements**

Colleges will sometimes admit children aged 14 or 15 who are being electively home educated. From September 2013 funding arrangements changed for pupils who are home educated and who wish to attend college. Where appropriate colleges can now fund the pupils directly and not rely on either parents or the local authority for funding support. Colleges make such local arrangements as they deem appropriate. There is no national prescribed model for provision to these students and they do not form a part of the arrangements for the full time enrolment of 14-16 year olds in Further Education and Sixth Form.

## **Bath & North East Somerset Elective Home Education Procedure**

The responsibility for Elective Home Education policy and procedure within Bath & North East Somerset lies with Education Inclusion Service. The named officer is Christopher Wilford, Head of Education Inclusion Service. The day to day operational management is by the Children Missing Education Service (CMES) and support provided by the Elective Home Education Co-ordinator.

Although the operational responsibility for Elective Home Education rests with the CMES, Bath & North East Somerset recognises and supports the guidance that states that children who are electively home educated are not necessarily missing education. However the responsibility for determining the educational provision of all children of compulsory school age within Bath & North East Somerset, the procedures relating to the removal of children from a school admission register and those for children returning to the maintained sector are managed by the CMES.

When the CMES becomes aware that a parent wishes to withdraw their child from school to educate them at home, the reasons for the decision is explored; that support, advice and mediation is provided and available to retain the child in school if this is the parents' true preference; and that the school is challenged if appropriate.

Following a parent's final decision to home school, the child's details will be added to the Elective Home Education database within the authority's education management system. The EHE Co-ordinator will request child's school records from the school if the child was registered.

Parents will be offered a visit from the EHE Co-ordinator or sent confirmation of this registration and an elective home education information pack. Parents/carers are invited to complete and return a questionnaire relating to the education they intend to provide for their child.

In order to discharge it's wider safeguarding duties the CMES will seek the views of other Children's Services teams who may be working with an electively home educated child. Services that may be contacted; Social Care, School Nurse, Child Health and/or any other service or agency if known.

Parents who home educate will be offered the opportunity to work with an Elective Home Education Visitor or, where the child has a statement of special educational need or Education Health Care Plan a SEND Practitioner from Bath & North east Somerset will be able to offer advice and guidance to help parents in their responsibilities to ensue that the education they provide meets the requirements of Section 7 of the Education Act 1996. Although a home visit is the Authority's preferred way of engaging with parents, any of the following ways may be appropriate:

- Meet with the EHE Co-ordinator and/or EHE Visitor at their home with or without their child.
- Meet with the EHE Co-ordinator and/or EHE Visitor at another venue with or without their child being present.
- A letter or a report setting out their educational plans enclosing samples of their child's work if so wished.
- A letter or a report from a reputable third party acceptable to them and the Authority

- endorsing their educational plans.
- Representative samples of their child's work to assist with the EHE Visitor's information & support.
- A review of the child's statement of special educational needs or education health care plan.

Home visits by the EHE Visitor/SEND Practitioner will not take place unless parents agree and an appointment has been made or confirmed in writing.

The expectation of the EHE Visitor/SEND Practitioner:-

- Read parental questionnaire
- Have an understanding of child's level/grade – information from school records.
- Visit – to schedule 1-2 hours:-
  - Focus on providing support & information to the home educator
  - To help parent monitor child's progress
  - Make recommendations/suggestions for improvement
  - Safeguarding

Following contact with parents, the EHE Visitor/SEND Practitioner will prepare a helpful report to the home educator. This report will include one of the following:

- A statement that the education is satisfactory with recommendations as appropriate.
- A statement that there are concerns as stated in the report with recommendations for improvement.
- A letter stating that the education is unsatisfactory for reasons stated in the report with recommendations or/and plans for support followed by follow up visit after one term.

If there are concerns that the education provided may be unsatisfactory then the EHE Visitor/SEND Practitioner will discuss these with the parents and will be able to suggest areas for improvement. If on review (after one term) the education remains unsatisfactory then the case will be referred to the CMES. The CMES will work with parents to return the child to school and may make use of provisions within Section 437 of the Education Act 1996 relating to School Attendance Orders.

Where the education provided is deemed to be satisfactory parents will be offered further opportunities to meet with the EHE Visitor and these will normally be offered on an annual basis. Feedback received from home educators within Bath & North East Somerset suggest that satisfactory endorsement by way of a report is welcomed.

The EHE Visitor/SEND Practitioner responsible for home education will have up to date safeguarding training and a clear focus on the different approaches to home education and appropriate ways of evaluating what constitutes 'suitable' and 'efficient' education.

The flowchart at appendix A sets out the process to be followed when Bath & North East Somerset become aware that a parent has elected to educate their child at home.

Any enquiries relating to this guidance should in the first instance be addressed to:

Christopher Wilford  
Head of Education Inclusion Service

☒ Bath & North East Somerset Council  
Lewis House  
Manvers Street  
Bath  
BA1 1JG

☎ 01225 394241

✉ sam\_lerway@bathnes.gov.uk

The Government's guidance to local authorities on Elective Home Education can be viewed at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/288135/guidelines\\_for\\_las\\_on\\_elective\\_home\\_educationsecondrevisedv2\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/288135/guidelines_for_las_on_elective_home_educationsecondrevisedv2_0.pdf)

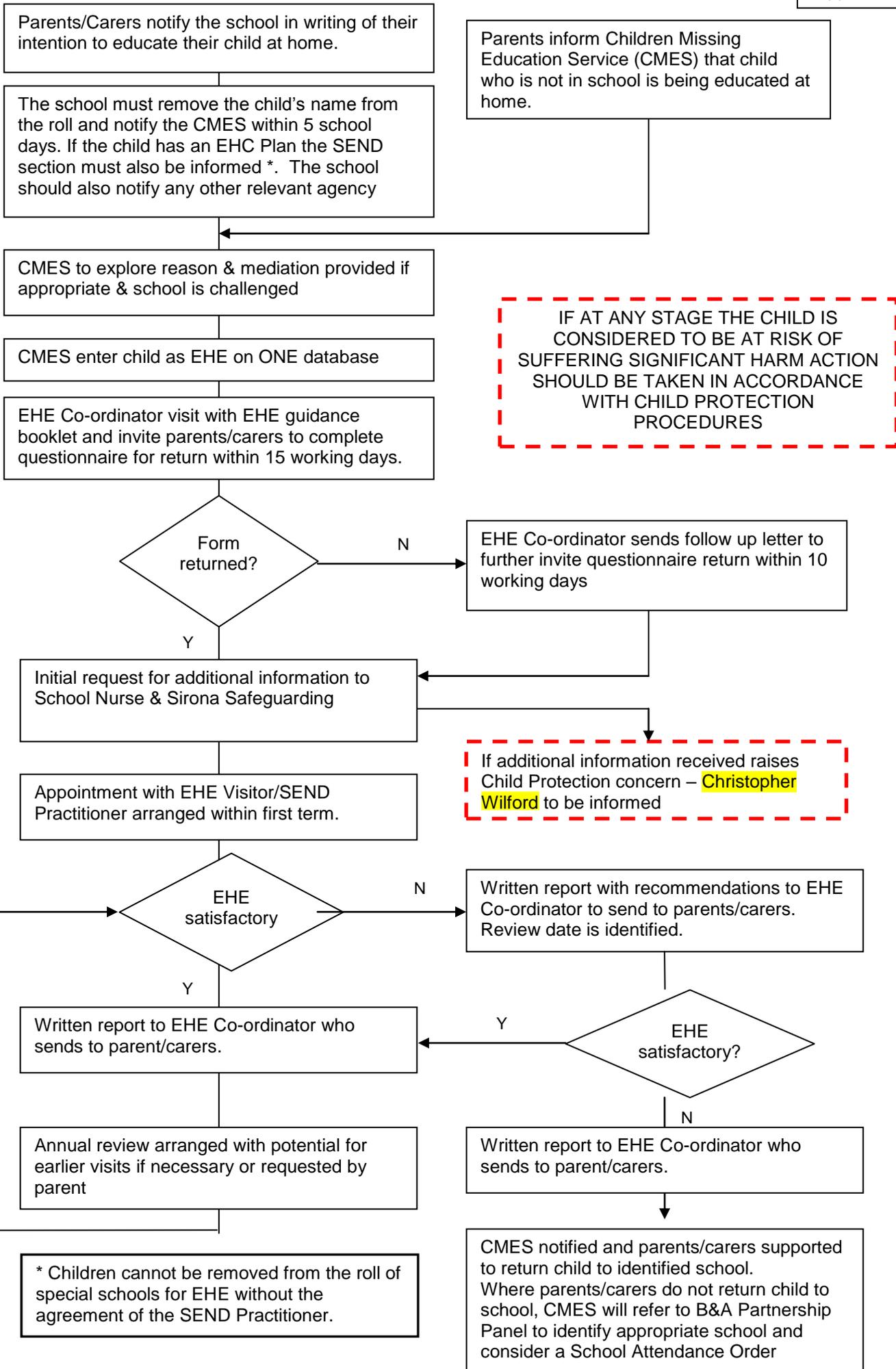
Further advice is available through the Governments [DirectGov](#) website which also contains links to independent groups (HEAS & Education Otherwise) which support parents who educate their children at home.

The South West Safeguarding and Child Protection Group website with reference to Elective Home Education is attached in Appendix B and can be viewed at:

<http://www.online-procedures.co.uk/swcpp/contents/guidance-child-protection/elective-home-education/>

# ELECTIVE HOME EDUCATION (EHE) FLOWCHART

Appendix A



## **APPENDIX B**



### **South West Child Protection Procedures**

## **Elective Home Education**

Parents can actively choose to home educate their children as the law requires children to have an education but they do not necessarily have to attend school. This page provides background information about home education and considers the safeguarding issues in relation to this group of children who can be hidden from many services.

### **Provision of education for children**

Parents are responsible for the education of their child and should make sure that their child's education is 'suitable' and 'efficient'. In England, while education is compulsory for all school-age children, the provision of education in a school setting is not. They may choose to send their child to school to educate them or may choose an alternative. This often means educating a child at home, or in another location where the child's learning is directed by parents or other appropriate adults. Elective home education is a major undertaking for a family. It will require serious amounts of time, patience and energy, and can have financial consequences.

The local authority retains no responsibility for making educational provision of any kind for a home educated child and may only operate a 'light touch' approach to monitoring whether provision is acceptable from an educational perspective. There is no obligation for parents to give the local authority access to their home or allow access to the child.

It is possible that a child is being educated at home but this may not be 'elective': for example – a child with health problems. Further information can be obtained from the local authority.

### **When might the local authority intervene?**

The law does allow for a local authority to intervene if it is considered that the education being provided is unsuitable. Should further investigations suggest that the child is not receiving an appropriate education at home then a school attendance order can be served. This has the effect of requiring the parents to register a child at a school and make sure that they attend.

The local authority is also required to ensure that all children are safeguarded and that their welfare is promoted.

## Safeguarding children who are electively home educated

Most parents who decide to educate their children at home will have good and valid reasons for doing so. Some parents may feel that their child's needs are not being met within the mainstream curriculum. Others may feel that they can better meet the needs of a child who has special educational needs. Others may see home education as an answer to difficulties their child has experienced at school, such as bullying.

It is also the case, however, highlighted in recent serious case reviews, that parents may choose to educate their children at home because they are mistreating the children and want to avoid the scrutiny of professionals/agencies.

Being out of school means the child does not have the routine monitoring of their welfare and day to day contact with a range of professionals that is afforded to children at school. Sometimes home educated children also do not have access to usual universal and specialist health and other services.

Children who are home educated may be taught by other adults. Not all parents will exercise their responsibility to ensure that employment checks, including CRB checks have been carried out.

Children subject to a child protection plan may be removed from school for 'elective' education as a method for avoiding monitoring. Careful consideration should be made regarding whether this decision is in the child's best interests. Schools should inform the local authority about any child who is removed from the school roll.

The welfare and protection of all children, both those who attend school and those who are educated at home, are of paramount concern and the responsibility of the whole community. *Working Together 2013* states that all agencies and individuals should aim proactively to safeguard and promote the welfare of children. As with school educated children, child protection issues may arise in relation to home educated children. If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns should immediately be referred to the appropriate authorities using established protocols.

### What to do if you have welfare concerns about a child who is home educated

- When a child is withdrawn from school where there is a history of concerns regarding the care of the child, and it is felt that the child's absence from school increases the level of concern, this information should be discussed with the appropriate children's services (the education department or Children's Social Care)
- Any professional who has difficulty gaining access to a child who is being home educated should be alert to the possibility that the child's welfare may not be being safeguarded and promoted and discuss this with Children's Social Care
- Any professional who does have contact with children educated at home and who has reason to believe that their welfare is not being safeguarded or promoted should discuss with Children's Social Care.
- Where it is felt a child or children may be at risk of significant harm a [referral](#) should be made to Children's Social Care.