

# Elective Home Education Policy

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## 1. Introduction

Elective Home Education (EHE) 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 that they choose. This is different from home tuition provided by the local authority (LA) or education provided by the local authority other than at school.

Every family has the right to educate their child at home. Educating children at home, works well when it is a positive, informed and dedicated choice.

Cognus, on behalf of the London Borough of Sutton (LBS) recognises that parents may decide to educate their child(ren) at home for a variety of reasons. For some families it is a choice made for philosophical, spiritual or religious reasons and for some it is a choice made to meet a child's specific needs. Equally we know that some parents will opt to home educate because there are issues about the educational provision/support for their child at school.

The LA recognises that there are many approaches to elective home education and parent's education provision will reflect a diversity of approaches which will be respected.

The term parents should be taken to include all those with parental responsibility, including guardians and foster carers (in the latter case the local authority may also be a corporate parent).

## 2. Purpose

This policy sets out the legal position and responsibilities for parents, schools and the Local Authority (LA), and the principles and processes that Cognus will follow in fulfilling its statutory duties.

This policy covers children of statutory school age who are being Electively Home Educated.

## 3. The Law relating to Elective Home Education

In England, education is compulsory, but school is not. The Education Act 1996 imposes a duty on parents to "secure the education of their children ... of compulsory school age" (aged 5-16 years), this can be done at school or "otherwise". For most children this means that they will normally go to a school; but for various reasons some parents undertake the responsibility of educating their children outside a school system.

The responsibility for a child's education rests with their parents. Section 7 of the Education Act 1996 provides that:

*"The parent of every child of compulsory school age shall cause him to receive efficient fulltime 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 phrase “or otherwise” covers proposals for the education of children at home. This means that parents have a legal responsibility to provide their children with a relevant education, but that does not have to be in a school.

An ‘efficient and suitable education’ is not defined in the Education Act 1996 but case law has described them thus: an ‘efficient’ education is one that achieves that which it sets out to achieve; and a ‘suitable’ education 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.

There is no legal definition of “full-time”. Children normally attend school, receiving 5 hours of tuition a day for 190 days a year, spread over about 38 weeks. Home education does not have to mirror this, however some parents find it a useful guide.

#### **4. Principles**

The LA believes that the foundation of a good education is a broad and balanced curriculum, which promotes a child’s learning and their social development, moral and spiritual awareness and equal opportunities.

The LA also recognises that there will be a diversity and plurality of educational provision for children in Sutton and that a good education can be made by parents through elective home education. When parents elect to home educate their child, that provision will inevitably reflect the home educator’s philosophy, approach or framework for the education of their child.

Where parents choose to electively home educate their child, they assume financial responsibility for all aspects of their child’s education.

#### **5. Parental Responsibilities**

There is no specific legal requirement for parents to notify the local authority if they decide to educate their child at home, however it is recommended that they do notify their LA in order to access any advice and support available. However, parents who decide to home educate are required to:

- Provide an efficient, full-time education suitable to the age, ability and aptitude of the child.
- Notify the school in writing if they are withdrawing their child from the school for EHE. This is to confirm that provision is being made for the child’s education otherwise than at school by the parent and request removal from the school’s roll. The school will then inform the local authority.
- Must seek the consent of the local authority if they wish to de-register a pupil placed at a special school under arrangements made by a local authority.
- Assume full financial responsibility for all aspects of their child’s education, including bearing the cost for any public examinations.

- If at any stage it becomes apparent that the parent cannot provide suitable home education, they should contact the LA as soon as possible with a view to securing a suitable school place for their child.

The type of educational activity can be varied and flexible. It is recognised that homeeducating parents are not required to teach the National Curriculum or observe school hours, days or terms.

Education should:

- Be an appropriate minimum standard which is aimed at enabling the child, when grown-up to function as an independent citizen in the UK, beyond the community in which he or she was brought up in, if that is a choice made in later life by the child
- Not directly conflict with the Fundamental British Values as defined in government guidance

## **6. School Responsibilities**

- The Headteacher of a school is required to immediately inform Cognus of any child on their school roll whose parents have confirmed their intention to EHE
- The Headteacher will be asked to provide comment of any concerns they may have, safeguarding or otherwise that may impact on the ability for EHE to be effective and suitable
- School staff must not persuade parents to EHE as a way of avoiding exclusion or because a child may have a poor attendance record.
- Prior to making a final decision and notifying the school of their wish to remove their child from the school roll, parents should be encouraged to contact the Inclusion Coordinator for details and information about their responsibilities and the financial implications for the family, to ensure they make a fully informed decision to home educate. A meeting should be offered with the school and the Inclusion Coordinator where possible.
- If the parent declines the meeting, they should be encouraged to contact the Inclusion Coordinator independently to gain further insight into Elective Home Education. The school should also send information about Elective Home Education to the parent including the EHE policy and EHE flyer.

## 7. What You Can Expect from the Inclusion Coordinator

If you are thinking of educating your child at home, or are educating your child the Inclusion Coordinator can provide you with a range of support and guidance.

### Contact Details

Direct Number: 020 8323 0450  
Email: [EHE@cognus.org.uk](mailto:EHE@cognus.org.uk)  
Address: Cognus Limited, Cantium House, Railway Approach, Wallington, SM6 0DZ

### The Inclusion Coordinator

- If a notification is received that a child(ren) are being EHE Cognus will record the details:
- When Cognus first becomes aware that parents have opted to EHE, the Inclusion Coordinator will make initial contact in order to offer advice and guidance should it be required and to establish that provision is being made
- A letter will be sent to parents outlining the LAs procedures and will include an EHE information pack
- An initial home visit may be offered, some parents find this useful if they are new to EHE
- Parents will be contacted on an annual basis to ask for information on the education provision, to ensure accuracy of the information we hold and to offer support as required
- Signposting to EHE support and resources
- EHE support and guidance
- Advice, guidance and signposting to other support available i.e. Early Help, SEND, SIASS, other Cognus services
- Advice on other processes and procedures if you wish to cease the EHE arrangement or if the education is unsuitable

## 8. Local Authority Responsibilities

The current legal framework is a system for identifying children who for any reason or circumstances, are not receiving an efficient suitable full-time education.

- The LA has a duty under section 436A of the Education Act 1996, to establish the identities, so far as it is possible to do so, of the children in their area who are not receiving a suitable education.

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- This duty applies in relation to children of compulsory school age who are not on a school roll and when the LA does not know if a child is receiving a suitable education otherwise than being at school. The parents of all children identified will be contacted by the Inclusion Coordinator.
- The LA is required to enquire what education is being provided for all children of compulsory school age. Depending on the results of the enquiries the Local Authority must take action where it is required within the constraints of the law.
- The Inclusion Coordinator may ask to make a home visit in order to discuss the education provision - parents are not required to grant access to their home so a meeting can be arranged at an alternative venue.
- Parents who would not wish to meet with the Inclusion Coordinator are able to provide an endorsement from professional(s) involved in the delivery of the programme who would be able to confirm that the education provided, in their view, is suitable.
- Following any contact with parents, the Inclusion Coordinator will make contact in writing stating whether there are any concerns about the education provision and specifying what the concerns are. Parents will be given the opportunity to address any identified concerns
- Where concerns about the suitability of the education have been identified, more frequent contact between the LA and parents may be arranged while the concerns are being addressed. The timing of contact will be discussed and agreed with parents. If there are no concerns annual contact will be offered.
- The Inclusion Coordinator will discuss provision with parents and can offer advice on providing a suitable education that meets the best interests of the child but will not stipulate a type of learning or curriculum or provide tuition
- Local Authorities have the same safeguarding responsibilities for children educated at home that they would for all children
- Under Section 437 (1) of The Education Act 1996 If it appears to the local authority that a child of compulsory school age is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring the parent to satisfy them within the period specified in the Notice that the child is receiving such education.
- Prior to initiating any legal interventions, the LA will endeavour to work with parents and will seek to gather any relevant information that will assist the LA in reaching an informed judgement on whether the education being provided is suitable.
- Relevant information may include
  - a report from the Inclusion Coordinator, if the parents are prepared to discuss their child's education

- a completed EHE booklet provided by the parent/carer detailing their child's educational provision
  - a report/information from another professional involved in the provision of education detailing its suitability
  - any other information that a parent's wish's to provide which explains how they are providing a suitable education
- The local authority must consider the response, made to the notice, in order to decide whether a child is receiving an education which is suitable under s.7, taking account of any evidence provided and any other information about the education the child is receiving. If parents make no response at all, then the local authority is entitled to conclude that the child is not receiving a suitable education.
  - If, after all reasonable steps have been taken to consider the situation, the LA believes that there is insufficient evidence that a suitable education is being provided, then the local authority has a legal obligation to serve parents a school attendance order (SAO). This will name a specific school and require the parents to register the child at that school. There are provisions in the Education Act 1996 (sections 438-441) governing the basis on which a school is selected to be named in the order.
  - At any stage after a School Attendance Order (SAO) has been issued a parent can present information to show suitable education is being provided, the SAO can be revoked.
  - The local authority has a duty in the interests of the child, under Section 443 (1) of The Education Act 1996 that if a parent on whom a School Attendance Order has been served, fails to comply with the requirements of the Order, the parent is guilty of an offence, unless they can prove that they are causing the child to receive suitable education other than at school.

## **9. Special Educational Needs Disabilities (SEND)**

- Under Section 7 of the Education Act 1996 parents have the right to educate children, including children with SEN, at home. Home education must be suitable to the child's age, ability, aptitude and SEN.
- Parents right to EHE applies equally where a child has a Education, Health and Care Plan (EHCP). Where a child has a EHCP and is EHE, it remains the LA's duty to ensure that the child/young person's needs are met.
- The LA will have regard to the statutory guidance contained within Special Educational Needs and Disability Code of Practice 2015 (s10.30) which emphasises the importance of LAs and other providers working in partnership with parents. Further information in relation to children and young people with SEN who are home educated can be found in s10.30 –s10.38 of the code of practice.2

- It is important to note that where the LA and parents agree that home education is the right provision for a child or young person with an EHCP, the plan should make it clear that the child or young person will be educated at home. Under Section 42(2) of the Children and Families Act 2014, the LA must arrange the special education provision set out in the plan.
- However, if the EHCP gives the name of a school or type of school where the child will be educated and the parents decide to educate at home, the LA is not under a duty to make the special educational provision set out in the plan provided it is satisfied that the arrangements made by the parents are suitable. The LA must review the plan annually to assure itself the provision is appropriate and meeting the child's needs.
- If the child/young person is attending a special school, the LA must give consent for the child's name to be removed. There is no provision in law for a "trial period" of home education.
- The LA should not assume that because the provision being made by parents is different from that which was being made or would have been made in the school that the provision is necessarily unsuitable. The LA should also consider using their power to help parents make suitable provision.
- Under Section 438 (1) of The Education Act 1996 applies where a local authority is not satisfied that the educational provision at home can meet the child's needs as described in the EHCP. The local authority will work with you to review the EHCP and return your child to the school named in the plan and/or consult to identify an appropriate school place if you do not feel the placement is suitable.
- Young people may also be educated at home in order to meet the requirements to participate in education and training until the age of 18.

## 10. Safeguarding and Child Protection

- The LA has a duty under the 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 the functions conferred upon them in their capacity as a local authority are exercised with a view to safeguarding and promoting the welfare of children"
- The safeguarding, wellbeing, welfare and protection of children are of paramount importance and a shared responsibility between key professionals and the community as a whole. If any officer of the LA becomes aware or has information that indicates a child is at risk or that their wellbeing is being impaired, consultation and a referral will be made in accordance with agreed Safeguarding and Child Protection Procedures.

## 11. Related Guidance, Publications and Law

### [Elective Home Education – Guidance for Parents](#)

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[Elective Home Education – Guidance for Local Authorities](#)