**Elective Home Education**

**(EHE) Procedures**

March 2019

### 1.0 Introduction

1.1 Central Bedfordshire local authority recognises that education is a fundamental right for every child.

1.2 Whilst the local authority encourages and supports parents to enrol their children at school, it nevertheless recognises that parents/carers have a right to educate their children at home. The authority is committed to working in partnership with these home educating parents to help ensure that their children are provided with efficient, full-time education suitable to their age, ability, and aptitude and to any special educational needs which they might have.

1.3 The authority aims to build effective and positive relationships with home educating parents and their children, relationships which are rooted in mutual understanding, trust and respect.

1.4 These procedures are intended to detail how such relationships might be developed in Central Bedfordshire. They aim to:

clarify the legal position regarding Elective Home Education (EHE);

identify the respective roles and responsibilities of both
home educating parents and the local authority;

establish clear, transparent and fair processes and systems.

### 2.0 Context

2.1 These procedures are based on the legislative framework established by the Education Act 1996 and incorporate the essential principles of the Department for Education (DfE) Elective Home Education Guidelines for Local Authorities published in 2007 (revised and reissued in March 2013).

2.2 The procedures have also been developed in the context of the duty placed on local authorities to make arrangements to safeguard and promote the welfare of children (Section 175 of the Education Act 2002).

2.3 The local authority will ensure that in discharging its EHE responsibilities it is alert and responsive to any actual or potential safeguarding concerns which may emerge, whether these concerns emerge through either the engagement, or the non-engagement, of home educating parents. Should the authority consider that any safeguarding concerns may exist in relation to a home educated child it will always consider these concerns to be of paramount importance and will act accordingly.

2.4 The procedures aim to achieve an appropriate balance between the rights of home educating parents on the one hand, and the responsibilities of the local authority on the other.

### 3.0 The Legal Background

3.1 Parents have a legal duty under Section 7 of the Education Act 1996 to cause their children to receive efficient full-time education suitable to their age, ability and aptitude and to any special educational needs which they may have, “either by regular attendance at school or otherwise”. (The phrase “or otherwise” can mean “at home”.)

3.2 The term “efficient” can be defined as “achieving what it sets out to achieve.”

3.3 The term “full-time” has no current legal definition. Children normally, however, attend school for between 22 and 25 hours a week for 38 weeks a year, but this measurement of “contact time” may not be relevant to EHE where there is often almost continuous one-to-one contact and education may take place outside of normal “school hours”.

3.4 The term “suitable” can be defined as “if it 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 long as it does not foreclose the child’s option in later years to adopt some other form of life.”

3.5 Local authorities have a legal duty under Section 437 of the Education Act 1996 to act “if it appears” that a child of compulsory school age in their area is not receiving suitable education.

### 4.0 Responsibilities of Parents

4.1 The responsibility for a child’s education rests with his/her parents.

4.2 Parents who choose to home educate must be prepared to assume full financial responsibility for doing so, including bearing the cost of any public examinations.

4.3 Parents are not required to register or seek approval from the local authority if they wish to home educate their child. If the child is of pre­school age parents are not required to notify the local authority of their intention to home educate, but they are encouraged to do so. If a child is on roll at a school when the parents choose to home educate the parents must write to the headteacher of the child’s school, stating an intention to home educate. (Once the headteacher has received this written notification he/she must, immediately, delete the child’s name from the school roll; the headteacher must also notify the local authority of this deletion.) Having informed their child’s school of their intention to home educate parents are not required to notify or contact the local authority but are nevertheless encouraged to do so.

4.4 The only exception is if the child concerned is on roll at a special school. In these circumstances, the parents must obtain the agreement of the local authority before the child’s name is removed from the roll.

4.5 If a child is on roll at a school as a result of the local authority having previously served a School Attendance Order the parents must apply to have the order revoked before the child’s name can be removed from the school roll.

4.6 As will be explained below, the local authority is encouraged (in the 2007 DfE guidelines) to make informal enquiries of home educating parents and to ask for information. Home educating parents are under no legal duty to respond to such enquiries or to provide such information, but the guidelines nevertheless suggest that “it would be sensible for them to do so”.

4.7 Similarly, the local authority may offer a home visit or a meeting with home educating parents, but again home educating parents are under no legal duty to agree to such a visit or meeting. DfE guidelines make it clear that when parents choose not to agree to a home visit or to any other form of meeting between the local authority and themselves this does not of itself constitute a ground for concern about the education provision being made. (Should home educating parents, however, *persistently and repeatedly* decline to respond to all reasonable enquiries made by the local authority, the authority may, in certain circumstances, consider that it is unable to satisfy itself that the child is in receipt of suitable education, and may consider the need for further action on its part. See 5.9 below.)

### 5.0 Responsibilities of the Local Authority

5.1 The local authority is responsible for ensuring that it has a clear and easily accessible EHE policy which sets out the legal position, establishes clear and fair procedures and explains the respective roles and responsibilities of the local authority and home educating parents.

5.2 The authority will endeavour to establish positive and supportive relationships with home educating parents, recognising that home educating parents adopt a rich and diverse range of approaches to home education and use a variety of philosophies and methods.

5.3 Regarding its involvement in EHE the local authority’s primary interest lies in the suitability of the provision which home educating parents make, not their reason for choosing to home educate.

5.4 If, however, it appears likely or possible that a parent may have chosen to home educate, not as a positive choice, but in response to, for example, a one-off incident at school or as a means of avoiding an issue of schooling, such as attendance or behaviour, the local authority may suggest to the parent that a meeting be held at the school where the child is/was previously on roll to confirm that the parent is choosing to home educate for positive reasons and that the decision to home educate is being made in an informed and considered way with the child’s best interests as the prime consideration. (There would be no intention of trying to dissuade the parent from choosing to home educate and the parent’s participation in such a meeting would be entirely voluntary. If the parent declined to agree to such a meeting, then the suggestion would not be pursued further.)

5.5 Once it has been made aware of a child being home educated the local authority will usually contact the parent and suggest ways in which they might demonstrate that the education being provided is suitable.

5.6 The local authority notes that whilst some home educating parents choose to submit a written report/workplan to demonstrate that the education which they are providing is suitable, the authority believes that such reports/workplans have limitations in terms of any judgement which the authority might be called upon to make - from an education (as well as a safeguarding) perspective. Where the authority feels appropriate it may ask to meet with the parents and child in person.

5.7 The local authority will endeavour to give home educating parents every opportunity, over a reasonable period, to demonstrate that they are providing a suitable education. The authority will ensure that its attempts to secure information from home educating parents are reasonable and proportionate.

5.8 The local authority does, however, as noted above (3.5), have a legal duty under Section 437 of the Education Act 1996 to act “if it appears” that a child of compulsory school age is not receiving suitable education. If it appears that a child is not in receipt of suitable education the local authority will serve a School Attendance Order. Prior to taking any such formal action the local authority will always, unless there are exceptional circumstances, attempt to address the situation informally.

5.9 Should home educating parents *repeatedly and persistently* refuse to respond to its informal enquiries the local authority may, in certain situations, consider that this is evidence that no provision is in place. In such circumstances, the authority may consider whether it is necessary to serve a School Attendance Order. Such an Order would only be served after all reasonable steps had been taken to resolve the situation.

5.10 Whilst the local authority has no statutory duty to monitor the quality of home education on a routine basis it will nevertheless offer to visit or meet with home educating parents (and their children) at regular, mutually agreeable intervals.

5.11 The local authority recognises that any assessment it might make as to the suitability of the education which a home educated child is receiving, based on an annual visit/meeting of perhaps an hour’s duration or on a consideration of whatever documentary information is presented by the parents, will inevitably be partial, limited and incomplete. In such circumstances, the local authority can only assess whether the education which an individual home educated child is receiving *appears* to be efficient, full-time and suitable to the child’s age, ability and aptitude and to any special educational needs which he/she may have.

5.12 If the local authority establishes that the child is no longer within Central Bedfordshire area, the EHE officers will follow local authority children missing education policy and procedures.

<http://www.centralbedfordshire.gov.uk/schools-portal/administration/inclusion/missing-education.aspx>

Further information can be found on the DFE guidance: <https://www.gov.uk/government/publications/children-missing-education>

### 6.0 Responsibilities of Schools

6.1 Schools should **not** advise or recommend that parents home educate, especially if a child is experiencing difficulties at school.

6.2 Should a parent notify a school that he/she intends to home educate the school should ensure that this request is confirmed in writing.

6.3 Upon receipt of this written request the school should remove the child’s name from the school roll as per *The Education (Pupil Registration) (England) (Amendment) Regulations 2016* and formally notify the local authority immediately that it has done so, using the EHE and notification of removal from roll form. The Local Authority should be notified where the child resides. <http://www.centralbedfordshire.gov.uk/schools-portal/administration/inclusion/ehe.aspx>

### 7.0 Children with Special Educational Needs

7.1 Parents of a child with special educational needs have an equal right to home educate if they so choose. This right is irrespective of whether the child has a statement of SEN/an Education, Health and Care (EHC) plan.

7.2 As noted above (4.4), however, if a child attends a special school the agreement of the local authority must be obtained before that child’s name is removed from the school roll.

7.3 When a home educated child has a statement/EHC plan the local authority remains responsible for ensuring that the child’s needs are met and for maintaining the statement/plan and reviewing it annually. The Access and Inclusion Service, in liaison with the Special Educational Needs and Disability Team, will be responsible for arranging statement/plan reviews.

7.4 The local authority will, therefore, only agree to a child’s name being removed from the roll of a special school when it has satisfied itself that the parents are able to make the provision specified in the statement/plan.

7.5 If the authority considers that the provision specified in the statement/plan can only be properly made by the school at which the child is enrolled (or at another similar school) it will recommend to the parents that the child returns to that school and will decline to give its agreement to the child’s removal from roll.

7.6 In some cases a combination of provision by parents and the local

authority may best meet the child’s needs. In such circumstances, the local authority will discuss this with the parents and an educational programme agreed accordingly. This programme will be monitored on a regular basis.

7.7 It may be appropriate, if it is established that a home educated child’s special educational needs are being met without any additional support from the local authority, to consider ceasing to maintain the statement/plan.

7.8 Parents who are home educating their child may ask the local authority to carry out an assessment or reassessment of their child’s special educational needs. In such situations, the local authority must consider the request within the same statutory timescales and in the same way as for all other requests (as specified in the Special Educational Needs and disabilities Code of Practice).

### 8.0 Home educated children that move away from Central Bedfordshire.

8.1 If the Elective Home Education (EHE) Team within the Access and Inclusion Service, ascertain that a family are no longer living within our area, the EHE Officers will attempt to locate the new address.  If we are unable to ascertain a current address, we will close the child/ren as being EHE and recorded the child/ren as Children Missing Education (CME) whereabouts unknown.

Our CME officers will then take our normal steps to contact other agencies to try and identify a home address so that we can alert colleagues in the new Local Authority (LA).  *(Part 1 (Clause 4) of the Education and Inspections Act 2006 introduced a statutory duty for Local Authorities (LAs) to make arrangements to establish the identities of Children Missing Education (CME))*

8.2Families are under no legal duty to supply us with the information regarding a new address, however it would assist us in being able to close the CME file and informing the new LA.

* 1. Children missing from education guidance can be found by following the below links:

<http://www.centralbedfordshire.gov.uk/school/pupil-support/attendance/missing-education.aspx>

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf>

### 9.0 Safeguarding

9.1 Under Section 175 of the Children Act 2002 the local authority has a general duty to safeguard and promote the welfare of children. The local authority has powers to enable it to insist on seeing children to enquire about their welfare where there are grounds for concern. Such powers, however, **do not give** the local authority the ability to see and question children who are being home educated to establish whether they are receiving a suitable education.

9.2 The local authority will, nevertheless, aim to discharge its safeguarding functions in relation to home educated children by attempting to engage proactively with all home educating parents and will always seek to see, speak with and ascertain the views of children who are home educated.

9.3 Whilst the local authority recognises that children who are home educated are no more likely to be the subject of abuse or neglect than are children who attend school the authority nevertheless notes the circumstances of home educated children.

9.4 Should any safeguarding concerns emerge during engagement with home educating families, or in consequence of a lack of engagement, these concerns will be promptly referred to Social Care. Whilst a failure to respond to the informal enquiries of the local authority will not in itself be evidence of safeguarding concerns, a repeated and persistent failure to respond, together with other contextual information, may in certain circumstances cause the local authority to consider the need for further action.

9.5 If the parents of a child who is subject to a child protection plan declare an intention to home educate, the local authority will usually oppose this, unless it can be demonstrated that home education will be in the child’s best interests and will not prejudice the effective implementation of the child’s CP plan.

### 10.0 Local Authority Management of Elective Home Education

10.1 The local authority manager with responsibility for EHE is the Access and Inclusion Manager, who line manages the Elective Home Education Officers. The EHE Officers will aim to secure engagement with home educating parents and will endeavour to secure mutually agreeable arrangements for the suitability of the provision being made by them to be assessed.

10.2 The EHE Officers will endeavour to be empathetic towards the range of approaches and philosophies which home educating families use and will recognise that there are many, equally valid, approaches to educational provision.

10.3 To enable the local authority to make an initial judgement on the suitability of the education being provided by home educating parents the EHE Officer’s will request that parents supply sufficient evidence to reach this conclusion.

10.4 The local authority will reasonably expect EHE provision to include the following characteristics:

recognition of the child’s needs, attitudes and aspirations;

opportunities for the child to be stimulated by his/her learning experiences;

access to resources/materials required to provide suitable home education (pens, books, materials, ICT, etc);

consistent involvement of parents and other significant carers;

evidence that opportunities are planned for appropriate interaction with other children and adults.

10.5 Various forms of evidence as to the suitability of the provision may be agreed with the parents.

10.6 The local authority recognises that for most home educating families its assessment will be long-arm and light touch and in many instances annual monitoring visits may be deemed to be unnecessary.

10.7 Once the assessment of the education has been completed a decision will be made by the local authority as to whether the education which the child is receiving is suitable.

10.8 Should a home educating parent wish to make a complaint about, or to challenge the assessment made by, the local authority this should be done in writing and addressed to the Access and Inclusion Manager within 28 days.

### Procedures review date: March 2020

# Appendix 1

## EHE – Local Authority Response

### Procedures

### Step 1 – Notification and Initial Contact

Information is received that a family has expressed an intention to home educate their child.

An EHE Referral form is completed by the school and the child’s details are verified on PSS (the local authority education database).

Contact will be made with Social Care to establish whether the family is/has been known to that agency. If the family is/has been known to Social Care information will be gathered and an assessment made as to whether there are any safeguarding issues which may need to be considered. (The fact that a family is known to Social Care is not in itself grounds for having safeguarding concerns.)

If the child is known to have a statement of SEN or an EHC plan contact is made with the Special Educational Needs and Disability Service.

If we are notified a child is EHE and the child is or was on the roll of a Central Bedfordshire school contact is made with the school to confirm that the parents have expressed an intention to home educate and to confirm the child’s removal from the school roll (unless the child attends a special school).

Consideration may be given to suggesting to the parents, through the EHE Officer, that a meeting be held at the school to establish that the parents are choosing to home educate for positive reasons. If the parents decline to participate in such a meeting or if following such a meeting the parents continue to maintain their intention to home educate then the EHE process continues.

An EHE Officer will either liaise with the family via letter or by phone.

In the case of children who have never been on the roll of a Central Bedfordshire school contact is made with the parents through EHE Officer, using Letter 1. Support and advice is offered and local authority practice in relation to EHE is explained.

### Step 2 — Letter 1

Letter 1 is sent to the parents.

### Step 3 — Response to Letter 1

Parents respond positively to Letter 1, evidence/report is provided. The information is reviewed, recorded on our database. A written response is sent to the parents/carers and a review date recorded.

If the provision is assessed as being only partially suitable the EHE Officer notifies the parents in writing, identifying those issues which need to be addressed before the provision can be assessed as being suitable. (The parents will be advised of an appropriate timescale within which the suggested improvements might be made.)

### Step 4 — No Response to Letter 1

If the parents fail to respond to Letter 1 after 21 days then Letter 2 is sent.

If the parents respond positively to Letter 2 then the process outlined above is followed.

### Step 5 — No Response to Letter 2

If the parents fail to respond to Letter 2 after 21 days then Letter 3 is sent.

If the parents respond positively to Letter 3 then the process outlined above is followed.

### Step 6 — No Response to Letter 3

If the parents fail to respond to Letter 3 the process leading to the serving of a School Attendance Order is initiated.

If the parents respond positively to Letter 3 then the process outlined above is followed.

# Appendix 2

## Local Authority EHE Letters

### Letter One. Initial Letter - to be sent to parents as first formal contact

Dear Parent/Carer

I understand that you have elected to educate your child at home under section 7 of the 1996 Education Act.

Central Bedfordshire Council, the Local Authority responsible for education makes no assumptions, but nonetheless has a duty under Section 436A of the Education Act 1996. This Act ‘requires all local authorities to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education’. It goes on to say that ‘Local authorities have a duty to establish whether a child who is being educated at home (under section 7 of the education act 1997) is not receiving suitable education.

Central Bedfordshire Access and Inclusion Service seeks to fulfil this duty by forming positive working relationships with home educating families.

In our consideration of parent/s provision of education at home, we will typically be looking for evidence of the following:

Consistent involvement of parents or other significant carers in learning.

Opportunities to develop English (reading, writing, speaking and listening) and maths skills.

Recognition of the child's needs, attitudes and aspirations.

Opportunities for the child to be stimulated by their learning experiences.

Access to appropriate resources and materials.

Opportunities to partake in physical activity.

Opportunities to develop ICT skills.

Opportunities for appropriate interaction with other children and adults.

Provision which allows for later access to further/higher education.

Opportunities to develop skills for life as a member of the community they are part of.

I would appreciate it if you could assist the local authority in making an informed judgement as to the education which you are providing.

There are many ways that you might demonstrate that your child is receiving an education, for example,

you might offer either a written report or samples of work

a meeting at your home or elsewhere, with or without your child,

an endorsement of the educational provision by a recognised third party, such as a home tutor

by completing the enclosed form

In the event of a parent continually failing to engage with the Access and Inclusion Service, Central Bedfordshire Council will be unable to fulfil its statutory duties in confirming the suitability of the education provision. In cases of this type we will need to advise the family that continuing failure to engage may result in the initiation of the school attendance order procedure under Section 437 of the Education Act 1996

I welcome your response; I can be contacted on the details below. I would be grateful to hear from you within the next 21 days.

Yours sincerely

**Elective Home Education Officer**

## Letter Two. No Response Letter – to be sent when (after 21 days) if there is no satisfactory response to the initial letter

Dear Parent/Carer

We recently wrote to you regarding the education of child, we do not have a record of a response to the local authority’s informal enquiries regarding the home education of your child/children.

We would welcome your response and can be contacted on the details below. Please respond within the next 21 days.

Our EHE officers on behalf of the Local Authority, make no assumptions but nonetheless have a duty under section 436A of the Education Act 1996. The Act ‘requires all local authorities to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education’. It goes on to say that ‘Local authorities have a duty to establish whether a child who is being educated at home (under section 7 of the education act 1997) is not receiving suitable education.

Central Bedfordshire Access and Inclusion service seeks to fulfil this duty by forming positive working relationships with home educating families.

In the event of a parent continually failing to engage with the Access and Inclusion Service, Central Bedfordshire Council will be unable to fulfil its statutory duties in confirming the suitability of the education provision. In cases of this type we will need to advise the family that continual failure to engage may result in the initiation of the school attendance order procedure under Section 437 of the Education Act 1996.

We, therefore, invite you to suggest a way of demonstrating that the education which you are providing is suitable to your child’s age, ability, aptitude and to any special educational needs which he/she may have in order that the local authority may satisfy itself that suitable provision is in place.

Please contact us if you feel we may be able to offer any support/advice and/or you would like to arrange to meet with your elective home education officer. Please respond within the next 21 days.

Yours sincerely

**Elective Home Education Officer**

## Letter Three. Letter notifying parent that consideration is being given to the serving of a School Attendance Order – to be sent when (after a further 21 days) if there is no satisfactory response to the first two letters.

Dear Parent/Carer,

We are writing to note our concerns that you have not responded to the Local Authority’s previous enquiries about the home education of your child/children. The Local Authority has made these enquiries to obtain information, which might enable it to satisfy itself that the education being provided is suitable to your child’s age, ability, aptitude and to any special educational needs he/she might have. These enquiries were made on: [*Dates of letters sent.]*

Without a response, the Local Authority is unable to satisfy itself that your child/children are in receipt of full-time education suitable to their age, ability, aptitude and to and special educational needs they may have. Although you are under no legal duty to respond to these enquiries, no response could be perceived as an appearance of no provision.

Once a child is considered as not receiving a suitable education, a Local Authority has a duty to act. Department for Education guidelines suggest that a School Attendance Order\* should be served after all reasonable steps have been taken to try to resolve the situation.

We believe that we have made reasonable attempts to enquire about the educational provision of your child. As we have no recorded evidence that your child is receiving an education, the Local Authority is considering initiating proceedings which could result in the serving of a School Attendance Order under Section 437 of the Education Act 1996.

The Central Bedfordshire Access and Inclusion Service seeks to form positive working relationships with home educating families. We would prefer to work together to clarify the situation and we can offer information and advice and/or we could meet with you and/or your child.

We invite you to demonstrate that your child is receiving a suitable education. Please respond within the next 14 days.

Yours sincerely

**Elective Home Education Officer**

**\*School attendance orders.**

*If it appears to a local authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.*

*If a parent on whom a notice has been served fails to satisfy the local authority, within the period specified in the notice, that the child is receiving suitable education, and in the opinion of the authority it is expedient that the child should attend school, the authority shall serve on the parent an order, requiring him to cause the child to become a registered pupil at a school named in the order.*

**Find** **us** **online**: www.centralbedfordshire.gov.uk

**Call**: 0300 300 6479 / 6220

**Email**: ehe@centralbedfordshire.gov.uk

**Write to**: Education and School Improvement, Access & Inclusion, Watling House, High Street North, Dunstable, LU6 1LF