

### What do we mean?

**Elective home education** is

*a legal right under Section 7 of the Education Act 1996*

This is a choice by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time.

*Education is compulsory; registering with a school is not.*

Where it is clear that parents are educating a child well at home, contact by the local authority need be minimal and not made more onerous than is required by the parents' own needs.

*Some may not receive a suitable education through home education arrangements.*

The parent is not required to give a reason for electing to educate their child at home, nor are they required to seek the agreement of the school or LA to withdraw their child from school (except where the child is educated in a special school at the arrangement of the LA or they are subject to a School Attendance Order).

Parents who choose to educate their child in this way rather than sending the child to school full-time, take on financial responsibility for the cost of doing so.

*Primary responsibility for ensuring that children are properly educated belongs to parents.*

The LA has a duty to ensure that a child is safe and being suitably educated. If it is not clear that that is the case, the authority should act, within its legal powers to address this.

*DfE guidance (April 2019) aims to enable local authorities to identify children not receiving a suitable education, and to do something about it.*

### What factors need to be considered?

There is a duty on a school to notify the Local Authority (LA) of children who are withdrawn from school for elective home education, but no duty (currently) on parents to inform the local authority.

*Registration is currently not a legal obligation for either parents or local authorities.*

In Suffolk however, we offer a voluntary registration scheme.

It is a parent's legal right and by law the school must remove them from the roll without delay (in the case of a special school this additionally needs the agreement of the EHE and SEND Casework Team).

*Head teachers must not encourage or pressurise a parent in to de-registering a child from a school.*

Any immediate safeguarding concerns must be raised by Headteacher/Designated safeguarding Lead in line with locally agreed procedures.

**Flexi-schooling**, where a child attends school on some agreed days and is educated at home on other days, is not classified as Elective Home Education as for this to be in place a child must be on roll at a school. It can only be agreed if the school is willing to offer this and the school is not obliged to do this, or indeed to continue to do it indefinitely. It is entirely at the Headteacher's discretion. It can be agreed, even for a child with an EHCP, if all parties are in agreement. In Suffolk we would effectively dual register the child with EHE and school.

### What are the key processes?

Upon de-registration from school, the school sends notification to LA. Where the child has a Child Protection Plan or a Child in Need (CIN) Plan, **the school should also notify the child's social worker.**

A Local authority's statutory duty is:

*'To make arrangements to enable the authority to establish, so far as it is possible to do so, the identities of children in its area who are not receiving a suitable education'.*

*The law requires the local authority to establish that every child is receiving a suitable education, including those being educated at home.*

LA takes a proportionate approach in making enquiries and in satisfying ourselves that a child is receiving a suitable education. Once made aware the LA will send all parents a welcome pack of information and follow this with a letter. LA prioritises contact with families where there are known concerns. Where there are no known concerns, this contact is likely to be via letter/email only. LA will not routinely visit the child or the home.

In cases where there were no previous concerns about the education provided and no reason to think that has changed a brief annual contact would be made in line with Suffolk County Council EHE Policy. (Link below)

EHE officers can support a return to school if that is the wish of the family. If there is a Social Worker with the family, the SW can discuss this with the EHE Lead and an officer can help assist if necessary.

Education law empowers action to be taken where parents who home educate their child fail to make suitable or adequate education (through, for example, School Attendance Orders).

If an EHE child has an EHCP, The SEND coordinator and EHE officer work together to determine suitability and the EHE officer will attend the annual reviews.

### What is my role as a School within this topic?

- ☐ There is guidance below on procedures for the removal of a child from a school roll to EHE, both good practice and essential steps.
- ☐ School leaders/ staff **must not encourage or pressurise a parent in to de-registering a child** from a school. Equally, they are **not allowed to refuse the parent's right to de- register the child** from school for the purposes of Elective Home Education.
- ☐ The **LA will challenge schools** where it appears that parents have been coerced to de-register their child from school for the purposes of Elective Home Education.
  - Education.
    - *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, schools must follow statutory guidance. If the pupil has a poor attendance record, the school and LA must address the issues behind the absenteeism and use the other remedies available to them.*
- ☐ It is a parent's legal right and by law the school must remove them from the roll without delay (in the case of a special school this additionally needs the agreement of the EHE and SEND Caseworker).
- ☐ If a parent is considering or has already decided to home educate a child who is a **Child in Need** or has a **Child Protection Plan**, the DSL at the school must inform the child's social worker.
- ☐ If you have any concerns about the **safeguarding** or **risky behaviours** of a child, who is going to be Home Educated, then please submit a MARF directly to the MASH.
- ☐ Schools are encouraged to make use of **Exit Discussions** to keep an open dialogue and ensure parents are making an informed choice about EHE.

### Where can I get further information and who can I contact?

- EHE Team: either telephone 01473 265139 or email [EHE@suffolk.gov.uk](mailto:EHE@suffolk.gov.uk)
- Lindsay Last – (EHE Lead) either telephone 01473 264177 or email EHE inbox FAO Lindsay Last
- EHE public page - [suffolk.gov.uk/EHE](http://suffolk.gov.uk/EHE)
- DfE Elective Home Education Guidance [Elective home education: departmental guidance for local authorities \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781222/elective-home-education-guidance-for-local-authorities.pdf)

## Procedures

Parents of a child registered at a state-maintained school **must inform the school in writing of their intention to de-register for the purposes of Elective Home Education**. When a **mainstream** school receives written notification from a parent of their intention to home educate their child, the head teacher must:

- Acknowledge the parent's letter in writing.
- Complete the CME form using <https://schoolsreporting.suffolk.gov.uk/reports/refer-child-missing-education>
- Complete and Send the EHE form 1 directly to [EHE@suffolk.gov.uk](mailto:EHE@suffolk.gov.uk) Copy of this form can be found at [suffolk.gov.uk/EHE](http://suffolk.gov.uk/EHE) (within Downloads)
- Delete the child's name from their register.

We ask **mainstream** schools to do this within 5 working days of receipt of the parents' letter.

A school must not de-register a pupil for EHE unless the parent has **expressly stated in their letter that they intend to home educate**.

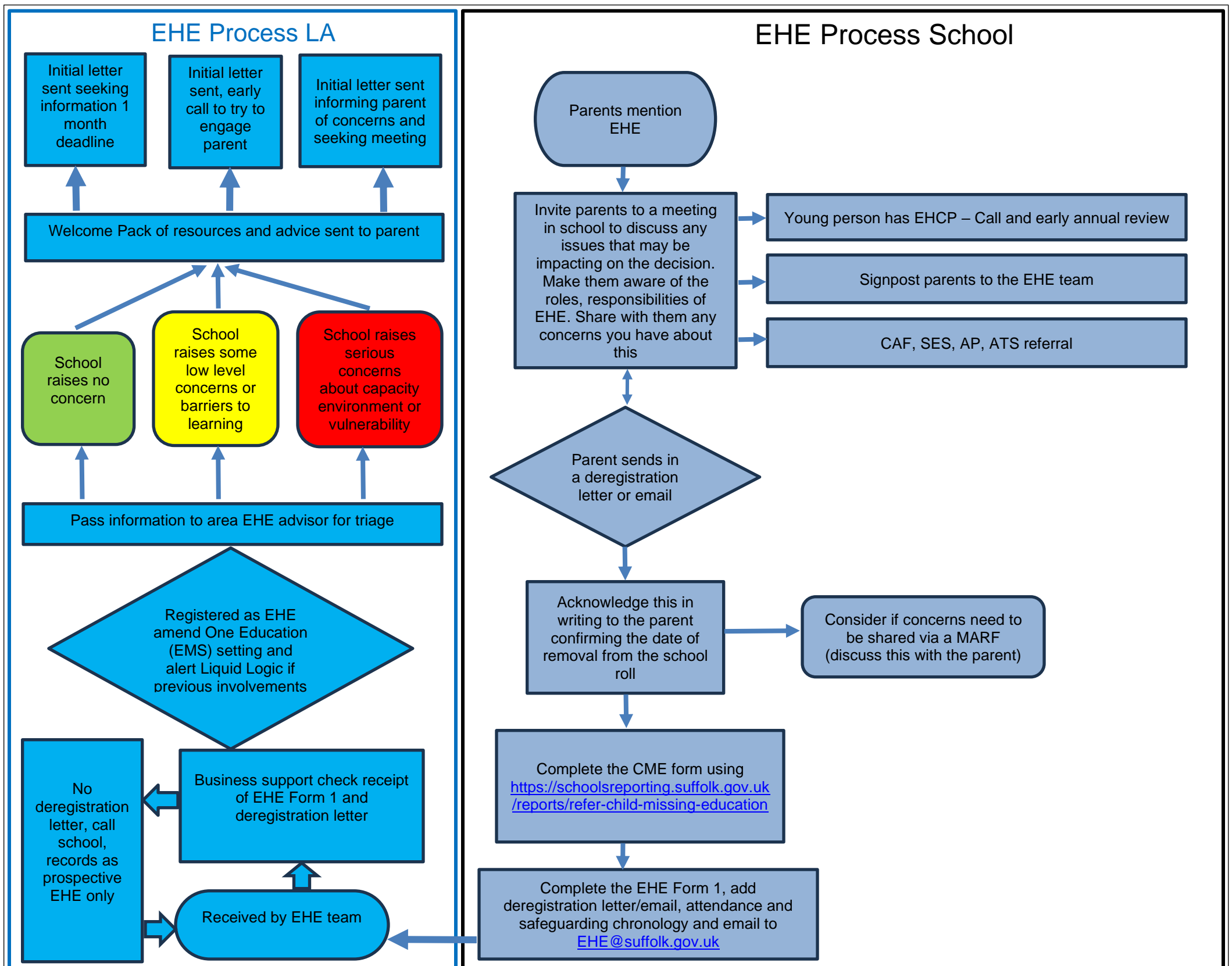
The school should keep the child's school file. Parents are allowed to request a copy of this file from the school to assist them in planning their child's education. We ask schools to send the record of any safeguarding concerns via the single page chronology/ C Poms or other report and the safeguarding file should remain in the school and retained according to the school's retention policy.

## Special Educational Needs

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 Care Plan (EHCP) or not. Where a child has an EHCP and is home educated, the LA has a duty to ensure that the child's needs are met and the same duties as it has towards other children. The LA will continue to maintain the EHCP whilst it is needed and will coordinate the Annual Review of the EHCP.

If the child who is to be withdrawn is on roll at a **special school** parents must seek agreement from the LA before the child is removed from the school for EHE. The school must inform the LA of the parents' request **before** the child's name can be deleted from the school roll. The LA will consider whether the elective home education is suitable and likely to further the outcomes specified in the EHCP, before the SEND team can amend the plan and the child's name be deleted from the school's register.

## What should schools do if parents are suggesting they wish to Electively Home Educate?



The Following can be found on [suffolk.gov.uk/EHE](https://suffolk.gov.uk/EHE)

- DfE guidance for parents
- EHE form1
- FAQ's for parents
- SCC EHE Policy and procedures
- EHE team leaflet

EHE Contact details

✉ - [EHE@suffolk.gov.uk](mailto:EHE@suffolk.gov.uk) ☎ - 01473 265139

### **Safeguarding Children**

**If a parent is considering or has already decided to home educate a child who is a Child in Need or has a Child Protection Plan, the DSL at the school must immediately inform the child's social worker.**

**If you have any concerns about ongoing or increased 'risk of harm to a child', who is going to be Home Educated, then please submit a MARF directly to the MASH.**