



***Elective Home Education
Policy
for all
Havering Schools and Academies
2023/2024***

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| | |
|---|----|
| 1. Introduction..... | 2 |
| 2. Policy Statement..... | 2 |
| 3. The Law relating to Elective Home Education..... | 3 |
| 4. Parental Rights, Responsibilities and Considerations..... | 3 |
| 5. The Local Authorities Responsibilities..... | 4 |
| 6. Local Authority Expectations..... | 5 |
| 7. Responsibilities of Havering Schools..... | 6 |
| 8. Elective Home Education and Safeguarding..... | 7 |
| 10. Effective Home Education and Special Needs in Havering..... | 9 |
| 11. Evidence of Suitable Education..... | 10 |
| 12. References..... | 10 |

Elective Home Education (EHE) Policy Version Control

| Changes | Page |
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| 2022/2023- The whole EHE Policy has been reviewed and updated in line with current and new legislation | All |
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1. Introduction

- 1.0 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents at home, rather than providing education for their children by sending them to school. This is different to home tuition provided by a LA (LA).
- 1.1 This document outlines our recently reviewed policy and procedures to enable London Borough of Havering (LBH) to comply with its duties towards children and young people living in Havering whose parents have elected to educate them otherwise than at school. It is published for parents, schools and other agencies with an interest in EHE.
- 1.2 We believe education in Havering should enable all children whatever their age, ability, background or faith to be able to realise their ambitions, to access a range of opportunities, and learn from, and relate to their peers.
- 1.3 If after careful consideration, parents decide to educate at home, the LA hopes that this proves to be a happy and constructive experience. The LA is not able to provide teaching support or detailed curriculum plans, but will offer encouragement and advice.
- 1.4 We value our families who choose to home educate their children and aim to work in partnership with all these families, as part of our local vision for education, and to fulfil our statutory responsibilities. This EHE Policy sets out respective rights and responsibilities for families and the LA as well as key procedural information.

2. Policy Statement

The DfE “Elective Home Education Guidelines for Local Authorities”, published in April 2019, emphasises the importance of Local Authorities building effective relationships

with home educators, to safeguard the educational interests of children and young people to foster relationships that are rooted in genuine mutual understanding, trust and respect.

This revised policy seeks to build improved relationships with home educators and provide a means to effectively protect the educational and safeguarding interests of children being electively home educated where vulnerabilities are identified.

3. The Law relating to Elective Home Education

3.0 The definition within section 7 of the Education Act 1996 provides that:

“The parent of every child of compulsory school age shall cause them 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.”

3.1 There is no legal definition of what constitutes a “*full-time*” education. Measurement of “contact time” in this way is not relevant in the context of elective home education, where the child often has continuous one to one contact with the educator and the types of educational activity which the child follows may be varied and flexible.

3.2 The law sets out that all children have the right to an effective suitable education (Section 7 Education Act 1996). A suitable education provides a programme of full-time learning that is suited to the age, aptitude and ability (including special educational needs) of each child. A suitable education provides children with learning that will enable them to achieve nationally recognised qualifications and to participate fully in life in the UK.

4. Parental Rights, Responsibilities and Considerations

4.0 Parents have a legal right to educate their child at home and are not required to have any qualifications or training to provide their children with a suitable education. The 1996 Education Act makes clear that it is a parent’s duty to ensure his/her child receives suitable education in accordance with section 7.

4.1 Parents whose child is enrolled at a school should write to the Headteacher to inform them that they wish to electively home educate, unless a specialist school is named on the child’s Education, Health & Care Plan, in which case parents are required to seek approval from the LA first.

4.2 Parents should not feel pressured to remove their child from the school register if their child is having difficulty with learning, if there are behaviour or attendance issues or to avoid a formal exclusion.

4.3 If a parent feels that they are being pressurised to remove their child to home educate, they should immediately inform the LA at EHE@havering.gov.uk

4.4 If a parent is considering EHE the LA would advise that the parent contacts them at EHE@havering.gov.uk to seek advice at the earliest opportunity.

4.5 If a parent is considering elective home education due to differences with their child’s school the parent should email EHE@havering.gov.uk for advice prior to removing their child from the school register to explore what other options are available.

- 4.6 Where a child is registered at a mainstream school, parents are required to notify their child's school in writing of their intentions to EHE. Parents should ask the school not to remove their child from their register until they have had an opportunity to speak with the LA and make an informed decision.
- 4.7 Parents who home educate assume the full financial responsibility for their child's education. This includes the cost of resources, educational trips, private tuition, courses and public examinations fees. In addition to financial responsibility, parents must also factor in the substantial commitment of time and dedication in order for their child to succeed.
- 4.8 If parents choose to employ others to educate their child, the parent will remain responsible for the education provided and the safeguarding of their child. In these circumstances, parents are responsible for ensuring that those whom they engage with are suitable to have access to children. It is strongly recommended that parents arrange for a Disclosure and Barring Service (DBS) check prior to employment and that there are arrangements made for ongoing supervision.
- 4.9 If a job is made available to a home educated child, the parent should ask the employer to contact the local authorities Child Employment Officer at schooladmissions@havering.gov.uk to establish if a 'child work permit' is required.
- 4.10 The LA appreciate parent's co-operation with carrying out their responsibilities effectively to maintain the best interests of the child, particularly in relation to their statutory safeguarding responsibilities.

5. The Local Authorities Responsibilities

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

No person shall be denied the right to an 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 conviction.

- 5.0 Local Authorities have a statutory duty, under section 436A of the Education Act 1996 to make arrangements to enable them to establish (so far as it is possible) the identities of children in their area who are not receiving a suitable education. This duty applies to all children of compulsory school age who are not on a school roll or do not appear to be receiving a suitable education otherwise than at school (EOTAS).
- 5.1 A further statutory duty exists, which requires the LA to serve a formal notice under section 437 of the Education Act 1996 if it appears that a child of compulsory school age is not receiving a suitable education. The formal notice requires the parent to satisfy the LA that the child is in fact receiving suitable education. If the LA is not satisfied they may commence the statutory process for the issue of a School Attendance Order ('SAO') requiring the parent to register the child at a named school.
- 5.2 The LA sees its role in relation to home education as part of its wider responsibilities, including safeguarding, to all the children in its area. This means when the LA receives the notification that a parent has requested to electively home educate, contact is made by an EHE Officer to gather information from both school and parent. The EHE Officer will liaise with schools to ensure the child remains on school register until parents have been provided with guidance and support to explore all educational options.
- 5.3 Parents will be required to provide an outline of how they are going to provide their child

with a full time education that is in alignment with their age and ability from day one. The LA has no statutory duties in relation to monitoring or supporting the quality of home education on a routine basis. However, they will carry out regular visits to assure themselves that children are receiving an education that is suitable to their age and ability.

- 5.4 To ensure the LA meets its safeguarding responsibilities, welfare visits will be conducted annually as a minimum and the EHE Officers will liaise with Childrens Social Care:

"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, the parent shall be issued a notice in writing outlining, that they must satisfy the LA within a specified period, that the child is receiving such education as outlined in section 437(1) of the Education Act 1996

- 5.5 To keep up-to-date information about suitability of education, the LA is expected to make informal contact and enquiries with all parents who home educate requesting information about the current learning programme and progress of children. The LA is required to undertake formal, statutory action if sufficient evidence of the suitability of education cannot be established under s437 of the Education Act 1996. The LA will make use of its powers and partnership agreements, for example with the NHS, to maintain its record of all children of compulsory school age who are not on a school roll.

- 5.6 In order to satisfy itself that parents are meeting their duty, the LA maintains a database of all children known to be home educated, which is held under Article 6(e) of the GDPR (Public Task Basis). Data Protection Act 2018 and General Data Protection Regulations (GDPR).

- 5.7 When a child recorded as EHE moves out of the LA, the EHE officer will inform the new LA the child is moving into.

6. Local Authority Expectations

- 6.1 As part of the local vision for education for all children and the LA's oversight of suitable education, all children, including those being home educated, are expected to make sufficient progress in both literacy and numeracy and attain outcomes appropriate to their age and ability.
- 6.2 The LA will contact parents at least annually or sooner based on the parents RAG rating (see table below point 11.2) requesting they provide examples of the learning activities that have taken place to be able to evidence the progress their child is making. This contact could be by an arranged home visit by one of the EHE Team or a request for a written report
- 6.3 The expectations of the LA is that all children gain the knowledge, skills and tools required to pursue a range of life options now and in the future, including: a balanced approach to decision-making, ways to resolve conflicts effectively, how to live a healthy life and the nature of good social relationships and responsibilities. This is in accordance with the UN Convention of the Rights of the Child. How parents fulfil this expectation is viewed flexibly.
- 6.4 The home environment is expected to be compatible with providing suitable education. It should not be too noisy or cramped nor there any defects, such as damp or fire hazards, that could leave the child at risk of harm.

6.5 The LA encourages all parents to make contact and notify the LA that their child or children are home educated, including when they move into or leave a LA area. The LA will then be able to offer support and signpost to other sources of assistance for home educators. This also helps the LA to fulfil duties to oversee suitable education for all and that children's safeguarding and welfare are protected.

7. Responsibilities of Havering Schools

7.1 There is no legal requirement for parents to discuss home education with the school but if a parent does approach the school to discuss the possibility of home educating, the LA expects the school to respond positively and constructively. If parents are considering home education because of a dispute with the school, the LA expects the school to take all necessary steps to resolve the issue. This is likely to be scrutinised by the LA. The school should signpost the parent to the LA Inclusion Team for further advice and guidance to enable them to make an informed choice.

7.2 The DfE guidelines make it explicit that:

"Schools should 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 relevant legislation and have regard to the statutory guidance. If the child has a poor attendance record, the school and, if appropriate, LA should seek to address the issues behind the absenteeism and use the other remedies available to them."

The LA will contact electively home-educating parents who remove their child from a school roll. If it is found that a parent has been encouraged by a school to remove their child from roll for the purposes of elective home education, this will be challenged, and the child reinstated on roll when appropriate with parental consent, whether the vacant place has been filled or not.

When a parent reports that they have been encouraged to remove their child from roll for the purposes of elective home education and then finds that they are unable to cope with the commitment, the expectation is that the parent would submit an application through the normal in-year process.

7.3 When a school receives formal, written notice from a parent, that a child is being withdrawn from school in order to be home-educated and the child has ceased to attend the school, the Headteacher should ensure that the child's name is removed promptly from the admissions register in accordance with Section 8(1) (d) of the Education (Pupil Registration) (England) Regulations 2006.

Regulation 12 (3) of the Education (Pupil Registration)(England) Regulations 2006 states that "*the "proprietor" (Headteacher) of the school must, make a return to the LA for every such pupil giving the full name of the pupil, the address of any parent with whom the pupil normally resides and the ground upon which their name is to be deleted from the admission register as soon as the ground for deletion is met in relation to that pupil, and in any event no later than deleting the pupil's name from the register*".

7.4 In practice the school must inform the LA immediately when a child is removed from the school roll and send in a copy of any relevant letter written by parent(s). The school must also provide information requested by the Inclusion Team. This allows the LA the opportunity to check any risk factors for the child and if they are known to services. The school must retain the child's file and this should be made available to parents to aid with home education.

- 7.5 Where a parent has expressed their intention to remove a child from school with a view to educating at home, the DFE recommends that local authorities, schools and other key professionals coordinate a meeting with parents/career where possible. Ideally this would be prior to a final decision being made.
- 7.6 The school is responsible for raising any safeguarding concerns relating to a child with the Children's Single Point of Access (CSPA). Home Education is not in itself a safeguarding concern.
- 7.7 The school must retain the child's school file. Parents can request a copy of this file from the school to assist them in planning their child's education.
- 7.8 In the interest of the family, recommended good practice would be for the school to allow period of 10 school days after deletion of the name from the school register, for the parents to reflect on their decision having sought further advice and support and to change their mind if they so wish.

8. Elective Home Education and Safeguarding

- 8.1 The welfare and protection of all children, both those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community. Section 175 of the Education Act 2002 imposes a duty on the LA to make arrangements for ensuring that the functions conferred on them are exercised with a view to safeguarding and promoting the welfare of all children resident in Havering.
- 8.2 The Inclusion Team will follow Havering's Safeguarding Children Board safeguarding procedures at all times and work with relevant agencies and individuals to proactively safeguard and promote the welfare of children and, in the event of any concerns about the welfare of a home educated child, initiate and follow established procedures. This may include the necessary sharing of information with GP's, Health Visitors and other Health professionals if this is in the interest of a child of young person.
- 8.3 EHE Inclusion Officers will contact the Children's Social Care when there is uncertainty about the welfare of the child. EHE Inclusion Officers will explain the reasons for any welfare concerns to the parents in accordance with procedure unless this discussion would put the child at increased risk of harm.
- 8.4 Concerns due to change of circumstance. The following non-exhaustive list represents the circumstances under which the LA may, at any time, contact parents to enquire about their child's education provision. The following circumstances may be an indicator that suitable full-time education is not in place:
- Notification from Children's Social Care that a safeguarding referral has been made
 - Notification of an Operation Encompass alert regarding a domestic abuse incident
 - Child becomes subject to Child Protection or Child In Need plan
 - Reported concern regarding the education provision organised by the parent
 - Referral from the Children Missing Education Officer
 - If the young person becomes open to the Youth Offending Service
 - When it is believed that the child may be attending an illegal or unregistered setting
- 8.5 The LA acknowledges that parents can decide to EHE at any time. However, the safety of the child is paramount and where the child has a CP or CIN plan the suitability of home education will be considered within the context of the plan. On receipt of a referral to EHE,

the Inclusion Officer will:

- Inform the family that they should provide a written proposal for their education plans
- Arrange a strategy discussion with social care
- Assess the risk to the child with Social Care, to include health, well-being and possible neglect and record how the risk is increased as a result of continuing, or starting to, educate the child at home within the record of the meeting
- Review the suitability of the family's EHE plan within the meeting.
- Consult with the child's previous school where appropriate.
- Suggest the amendments to the plan to reflect the necessary actions that need to be taken

8.6 Where a child whose education provision is EHE has a CP plan, and the CP plan is looking to be stepped down to CIN or early help. The plan should detail how the parent will sustain the suitability of education with the EHE team.

9. Where a formal notice is required:

9.1 If it appears to the Inclusion Team that a suitable education is not taking place, an Inclusion Officer will go through the following process:

9.2 Allow the parent the opportunity to address the identified issues and recommendations for improvements within a mutually agreed timescale. These should be discussed and agreed with the parent and confirmed in writing. When a home visit has not been consented to, concerns (with evidence) about suitability and sufficiency of education will be logged using the same process regardless.

9.3 If there are safeguarding concerns the Multi Agency Safeguarding Hub (MASH) Team will be contacted without delay

9.4 After the agreed timescale for improvement, if the education is still believed to be unsuitable, the Inclusion Team will commence the statutory process for issuing a School Attendance Order ('SAO').

9.5 An Inclusion Officer will write to parents requiring them to satisfy the LA within 15 days that the child is receiving efficient, full-time education suitable to the child's age, ability and aptitude and to any special educational needs they may have. If the LA continues to be dissatisfied with the education being provided, a statutory "Notice of Intention to SAO will be served on the parent. This notice indicates the LA's intention to formally order the parent to register the child at a school. It will identify school(s) the LA deems suitable and allow the parent 15 days to propose alternatives. If the parent does not respond, or does not make satisfactory arrangements elsewhere, the LA may issue an SAO in accordance with its stated intention. Failure to comply with an SAO is a criminal offence for which the parent(s) can be issued with a penalty notice or prosecuted in the Magistrates' Court.

9.6 Reasonable steps to resolve the situation will be taken by the LA before the SAO statutory process is commenced. At any stage following the issue of an SAO, parents may present evidence to the LA that they are now providing suitable education and apply to have the Order revoked. If this is refused, parents can choose to refer the matter to the Secretary of State for Education. If the LA prosecutes parents for failure to comply with a SAO, the parents may be acquitted if they can prove that the child was receiving a suitable education otherwise than at school at the time of the offence. If the parents are acquitted, the court may direct that the SAO shall cease to be in force.

- 9.7 In cases where the EHE Officer has been unable to contact a family, the child/ren will be recorded as CME. This role discharges the LA's duty to children missing education.
- 9.8 EHE children and young people should have access to all health services that children attending schools receive including information from Public Health and School Nursing Teams related to all routine checks and HPV vaccinations

10. Effective Home Education and Special Needs in Havering

- 10.0 Parents' right to educate their child at home applies equally where a child has an Education, Health and Care (EHC) plan. The LA has a duty to review Education, Health and Care (EHC) plans annually, following procedures set out in the "SEND code of practice: 0 to 25 years". Annual Review meetings will be convened and chaired by the SEN Casework Officer.
- 10.1 If the child is on the roll of a school specified by the child's Education, Health & Care Plan, the child's name may not be removed from the school register without the LA's consent, or if the LA refuses to give its consent, at the Secretary of State's direction [Regulation 8(2) Education (Pupil Registration) (England) Regulations 2006]. Schools/academies should call an early annual review as soon as they are aware of an intention to home educate.
- 10.2 In order to assess whether the elective home education is suitable for the special educational needs of the child, parents will be asked to provide information regarding the provisions they wish to put in place. The LA will only be relieved of its duty to arrange the provision specified in the child's EHC plan if it is satisfied that the parents' arrangements are suitable. This process happens via the Havering SEND Panel.
- 10.3 If the LA is satisfied with the parents' arrangements it will continue to have a duty to maintain and review the EHC plan annually until: it decides to cease the EHC plan; or the EHC plan automatically lapses; or the EHC plan is transferred to another LA. The LA does not have to name a school/setting in part 4 of the child's EHC plan, though it may state the type of school it considers appropriate. In cases where Local Authorities and parents agree that home education is the right provision for a child or young person with an EHC plan, the plan should make clear that the child or young person will be educated at home. If it does, then the LA, under Section 42(2) of the Children and Families Act 2014, must arrange the special educational provision set out in the plan, working with the parents. Under Section 19 of the Act, a LA must have regard to the views, wishes and feelings of the child and his or her parents, or the young person.
- 10.4 Where it appears to the LA that a child is not receiving education suitable to age, ability and aptitude and SEN, the procedures set out in 9.4 will be followed. If the EHC plan remains in place, it will be maintained and reviewed annually and amended where necessary. The annual review will be arranged by the SEN Casework Officer. The LA will be responsible for identifying suitable placements and the final decision around the placement of the child will lie with the LA.
- 10.5 Therapy provision, if stipulated in the EHC plan, should be accessed through the GP or at the electively home educating parents' expense and professionals invited to contribute to the annual review.
- 10.6 A parent who is educating their child at home may ask the LA to carry out a statutory assessment of their child's special educational needs and the LA will consider the request within the same statutory timescales and in the same way as all other requests.

10.7 For children with an EHC plan the support and tracking from the SEN team will continue until the age of 25 or until the EHC plan ceases.

10.8 Parents may also home educate a child who has SEN but does not have an EHC plan. However, the LA does not have a duty under section 22 of the Children and Families Act 2014 to assess every home educated child to see whether or not they have SEN. Information about the right to request an EHC needs assessment and the right to appeal is available to all parents including those who home educate

11. Evidence of Suitable Education

11.1 The EHE Officer will assess child's education using a RAG rating system:

| RAG | Evidence | Contact | Safeguarding |
|-------|----------|-----------|----------------------|
| Red | None | 3 months | Refer to Social Care |
| Amber | Some | 6 months | Welfare visit |
| Green | Adequate | 12 months | Annual welfare visit |

11.2 Parents can decide how best to present evidence of their child's education. Keeping a daily log to record examples of their child's progress is one example.

11.3 If no evidence is provided the LA will exercise their statutory duty to ensure the child is not subject to educational neglect and is receiving a sufficient full time education based on their age and ability.

12. References

- [Education Act 1996](#)
- [Education Act 2002](#)
- [Special Educational Needs Code of Practice 2014](#)

