

London Borough of Havering Elective Home Education Policy 2024/2025

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Changes	Page
2022/2023- The whole EHE Policy has been reviewed and updated in line with current and new legislation	All pages
2023/2024- The whole EHE Policy has been reviewed and updated in line with current and new legislation	All pages
2024/2025- The whole EHE Policy has been reviewed and updated in line with current and emerging legislation	All pages
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1. Introduction

This policy informs parents, schools, and partner agencies about the Local Authority's framework for fulfilling its statutory responsibilities in relation to Elective Home Education. It outlines the relevant legislation and the respective roles and responsibilities of the Local Authority, parents, and schools. This policy promotes best practice by ensuring a clear understanding of everyone's involvement in Elective Home Education.

- 1.1 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. EHE is different to home tuition provided by the Local Authority (LA).
- 1.2 In Havering, we believe education should enable all children regardless of their age, ability, background or faith to reach their full potential, to be given the opportunity to achieve their ambitions and to access a range of opportunities.

2. Policy Principles

The LA respects the rights of parents who electively home educate their child/ren.

The LA aims to:

- Promote positive relationships and mutual respect with all of our home educated families in Havering.
- Protect the rights of the child by ensuring they are receiving their legal entitlement of a suitable education.
- Provide efficient and effective support and advice.

3. Legislation- Elective Home Education

3.1 The parents' legal duty is set out in Section 7 of the Education Act 1996 and states:

“The parent of every child of compulsory school age (5 – 16) shall cause him/her to receive efficient full-time education suitable

(a) to his/her age, ability and aptitude, and

(b) to any special educational needs he/she may have either by regular attendance at school or otherwise.”

3.2 The European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2 of Protocol No 1 also supports this by stating:

“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 in conformity with their own religious and philosophical convictions.”

3.3 There is no legal definition of what constitutes a “full-time” education, however a child that receives an education within a school, is expected to be engaged in educational activities for 23 to 25 hours per week, depending on their age and ability. Parents who elect to home educate are not obliged to offer such education within ‘school hours’ or on ‘school days’. The law and guidance relating to elective home education allows for a more flexible approach.

3.4 An “efficient” and “suitable” education is not defined in the Education Act 1996 but “efficient” has been broadly described in case law 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”

4. Parental Rights, Responsibilities and Considerations

4.1 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. Section 7 of The 1996 Education Act makes clear that it is a parent’s duty to ensure his/her child receives suitable education.

- 4.2 If a child is registered with a school, it is advisable for the parent to first arrange a meeting with the Head Teacher to discuss why they are considering home education for their child. If a parent makes the decision to home educate their child, they **must inform the head teacher in writing** to allow the school to lawfully deregister a child from their registers. If parents fail to fulfil this duty and simply stop sending their child to school, they may face legal action for non-attendance under section 444 Education Act 1996.
- 4.3 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. If a parent feels that they are being pressurised to remove their child to home educate, they should immediately inform the LA at EHE@haverling.gov.uk
- 4.4 If a parent is considering EHE the LA would advise that the parent contacts them at EHE@haverling.gov.uk to seek advice at the earliest opportunity.
- 4.5 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 (such as GCSE's). In addition to financial responsibility, parents must also factor in the substantial commitment of time and dedication in order for their child to succeed.
- 4.6 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.
- 4.7 If employment or work experience is made available to a home educated child, the parent should ask the employer to contact the local authorities Child Employment Officer at Child.Employment@haverling.gov.uk to establish if a 'child work permit' is required.
- 4.8 The LA appreciate parent's co-operation with carrying out their responsibilities effectively to maintain the best interests of their child, particularly in relation to their statutory safeguarding responsibilities.
- 4.9 The LA encourages all parents to make contact and notify them if their child or children are home educated, this includes when they move into Havering from another LA. 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 children to ensure their safeguarding and welfare are protected.

5. The Local Authorities Responsibilities

- 5.1. The LA has a duty, under sections 437 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 and do not appear to be receiving a suitable education other than being at school.

- 5.2. 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 Local Authority that the child is in fact receiving suitable education. If the Local Authority does not accept the evidence and is not satisfied that the child is receiving a suitable education, it has the power to commence the statutory process for the issue of a School Attendance Order ('SAO'), requiring the parent to register the child at a named school.

6. The Local Authority's Role

- 6.1 Once the LA receive notification from a school that a parent wishes to Electively Home Educate their child, the LA will:
- Contact the parent to discuss their decision and offer support
 - Provide the parent with the DfE guidance and establish whether the education plan to be provided at home is suitable to the child's age, aptitude and ability
 - Contact the child's allocated Social Worker (if applicable)
- 6.2 Further to the above if the parent has confirmed the decision to home educate, the EHE Adviser will inform the school to remove the child from their roll as of the date of parent's formal written request.
- 6.3 The EHE Adviser will inform the Education Other than at School (EOTAS) nurse, that the child is now registered as home educated. The aim of this is to ensure that all EHE children have the same opportunities as those who are registered and are attending school such as height, weight checks and vaccinations.
- 6.4 The EHE Adviser will contact parents after a four-week period of home education to obtain information of the education being offered and provide further support where required. This will then be followed up with contact being made at least annually requesting they provide examples of the learning activities that have taken place to be able to evidence the progress their child is making. The EHE Adviser will offer parents a home visit, alternatively parents can provide a written report. Parents are under no duty to respond to such enquiries, but if a parent does not respond, or responds without providing any information about the child's education, then it will be justifiable for the local authority to conclude that the child does not appear to be receiving suitable education. The LA will then follow the process as outlined in Section 11 of this policy.
- 6.5 Details of children who are in year 11 will be provided to the Post 16 Education, Employment and Advice Service (Prospects), to offer children an opportunity to obtain support and information around post 16 options. The aim of this is to ensure that all EHE children have the same opportunities as those who attend school.

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 school can refer to the [DfE Guidance](#). If parents are considering home education because of a dispute with the school, schools are expected to take all necessary steps to resolve the issue.

Section 10.5 of the DfE's Elective Home Education: Guidelines for local authorities, schools, and other organisations states:

“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.”

- 7.2 Section 10.6 of the DfE's Elective Home Education: Guidelines for local authorities, schools, and other organisations states:

“The practice of ‘off-rolling’ pupils through pressure on parents to withdraw them for home education is thought to be a significant contributor to the increase in numbers of home educated children, particularly those aged 14-16, although information on the practice is difficult to obtain. In such cases it is possible that the parent will be unable to provide proper home education, even if willing to attempt this. Local authorities should seek to reach agreements through schools forums which discourage pressure on parents to educate children at home, and address this issue directly in discussion with relevant schools. Local authorities should also consider informing Ofsted of schools where off rolling appears to be happening on a significant scale so that this can be looked into at the school’s next inspection”

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 Local Authority 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.
- 8.2 A failure to provide suitable education is capable of satisfying the threshold requirement contained in s.31 of the Children Act 1989, that the child is suffering or is likely to suffer significant harm. ‘Harm’ can include the impairment of health or development, which means physical, intellectual, emotional, social or behavioural development, so the provision of unsuitable education clearly can amount to this.
- 8.3 The LA acknowledges that parents have the legal right to home educate their child. However, the safety of the child is paramount and where the child is subject to a Child in Need (CIN) or Child Protection (CP) Plan, the suitability of home education will be considered within the context of the plan. On receipt of a referral, the EHE Adviser will:

- Inform the family that they should provide a written EHE plan proposal for their child's education
- Assess the risk to the child with Social Care, to include health, well-being and possible neglect
- Record if the risk is increased as a result of the child being educated at home within the child's CIN or CP plan
- Review the suitability of the family's EHE plan within the CIN or CP meeting
- Consult with the child's previous school where appropriate
- Suggest the amendments to the CIN or CP plan to reflect the necessary actions that need to be taken

9. Children with Special Educational Needs and Disability (SEND) or an Education, Health and Care Plan (EHCP)

- 9.1 Parents' right to educate their child at home applies equally where a child has SEND this right, is irrespective of whether the child has an EHCP or not.
- 9.2 Parents of any child subject to the statutory provisions of an EHCP who are considering whether to make their own arrangements, should discuss this with their child's named SEND caseworker. This will ensure that they are fully aware of alternatives (amended provision and/or change of placement) and their SEND statutory rights of appeal.
- 9.3 Where parents elect to home educate their child with an EHCP who is registered at a mainstream school, the school will remove the pupil from roll in the same way as for children who are not subject of an EHCP. However, the child's school are required to inform the SEN Team sen@haverling.gov.uk in order for the child's EHCP to be updated to reflect the child's education provision via an interim annual review.
- 9.4 If a child is registered at a special school under arrangements made by the LA, the child must not be removed from the school roll without the consent of the local authority. In deciding whether to give consent, the LA will consider whether home education will meet the special educational needs of the child. That consideration will take into account the additional difficulties of providing education at home to a child whose special educational needs are significant enough to warrant a place at a special school.

10. Where a statutory notice of a School Attendance Order (SAO) is required:

- 10.1 If it appears to the LA that a suitable education is not taking place, the EHE Adviser will start the following process:
- 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.
 - If the LA continues to be dissatisfied with the education being provided, a statutory notice of intention to issue an 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.

10.2 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.

11. Parents wishing to apply for a school place

11.1 Parents wishing to apply for a school place will need to follow the In-Year admissions process as set out via this link www.havering.gov.uk/admissions/inyear

11.2 When a school place is offered parents may request an EHE adviser to support them at the school's admissions meeting.

12. References

- [Education Act 1996](#)
- [Education Act 2002](#)
- [Special Educational Needs Code of Practice 2014](#)
- [DfE EHE guidance for parents](#)
- [DfE EHE guidance for local authorities](#)
- [The European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2 of Protocol No 1](#)