



# Elective Home Education

Policy and Procedures

## SUMMARY

This policy outlines the responsibilities related to Elective Home Education for Brighter Futures for Children, schools and parents/carers

## OWNER

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This policy should be read in conjunction with:

- BFFC Elective Home Education (EHE) - Information and Guidance for Parents and Carers
- BFFC- The Children Missing Education Policy and Procedures
- Safeguarding Children – Missing Pupils Procedures in Reading
- Keeping Children Safe in Education (September 2016)
- Elective Home Education – Guidelines for Local Authorities

Throughout this document the following acronyms apply:

EHE	Elective Home Education
EHE GLA	Elective Home Education – Guidelines for Local Authorities
BFFC	Brighter Futures for Children
RBC	Reading Borough Council
LA	Local Authority
SEND	Special Educational Needs and Disabilities
EHC Plan	Education, Health and Care Plan
Reading IASS	Reading Information, Advice and Support for SEND
CSPoA	Children's Single Point of Access
DCSF	Department for Children, Schools and Families
BWSCP	Berkshire West Safeguarding Children Partnership

## 1. Principles

- 1.1.1 Brighter Futures for Children in Reading recognises that parents/carers<sup>1</sup> have the right to choose to home educate in accordance with the Education Act 1996. Brighter Futures for Children seeks to foster positive relationships with Elective Home Education families (EHE) built on mutual respect so that the best interests of the child are safeguarded.
- 1.2 This policy document applies to those children whose parents/carers have chosen to home educate their children. It does not refer to pupils on a school roll who are receiving commissioned medical tuition or individual off-site tuition as part of an EHC Plan. It sets out parents' rights to educate their children at home together with their responsibilities, the Headteachers' legal duties and responsibilities and those of Brighter Futures for Children.

## 2. Rationale

Brighter Futures for Children acknowledges that:

- 2.1 All children have a right to receive a suitable education that is appropriate to their age, ability and aptitude.
- 2.2 All children and young people receiving EHE should be encouraged to achieve their full potential so that they can take advantage of the opportunities offered to them throughout life and become valued as responsible and equal members of their community.
- 2.3 Parents/ Carers have the legal responsibility for ensuring that their children are properly educated and have the right to choose to educate their child, other than at school, according to their philosophical, ideological or religious views and beliefs.
- 2.4 The Local Authority has a legal duty to ensure that all children of compulsory school age receive a suitable education. [Education Act 1996, section 436a]
- 2.5 The Education Act 2002, Section 175 states that in relation to their education functions the Local Authority has a duty to safeguard and promote the welfare of children. [Working Together to Safeguard Children, March 2015].
- 2.6 Brighter Futures for Children aims to encourage a positive working relationship with all parents of home educated children whether they choose to withdraw their child from school or inform Brighter Futures for Children that they wish to home educate from statutory school age.

## 3. The Law relating to EHE - Parents' Rights and Responsibilities

- 3.1 Brighter Futures for Children recognises that home educating parents and carers are responsible for ensuring that their child receives an efficient and suitable education. Brighter Futures for Children is not responsible for prescribing the ways parents should educate.
- 3.2 Section 7 of the Education Act 1996 states that:

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<sup>1</sup> For the purposes of this document, parents refers to anyone who has parental responsibility and anyone who has the actual day to day care of the child

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

Section 9 of the Education Act 1996 states that:

“In exercising or performing all of their respective powers and duties under the Education Acts the Secretary of State, local education authorities and the funding authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.”

The right of a parent to choose to home educate is therefore enshrined in law.

This legal duty is underpinned by the European Convention on Human Rights, Article 2 of Protocol 1, which states that: “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 rights of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.”

3.3 Case law<sup>2</sup> defines a suitable education as one which:

‘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 he wishes to do so’

3.4 Case law<sup>2</sup> defines an efficient education as one which:

‘Achieves what it sets out to achieve’.

3.5 Providing a child is not a registered pupil at a school the parent/carer is not required to:

- seek permission to educate other than at school
- take the initiative in informing Brighter Futures for Children
- have regular contact with the Brighter Futures for Children
- meet with the Advisory Teacher for Elective Home Education

3.6 When a child is already registered in a school, the parents must formally de-register them by writing to the Headteacher stating their intention to educate other than at school.

## 4. Special Educational Needs and Disability

4.1 Parents of a child who has an EHC Plan can educate them at home. However, if the child is on the roll of a special school the child’s name may not be removed from the register of that school without the consent of the SEND Panel at Brighter Futures for Children. Consent may not unreasonably be withheld.

The Education (Pupil Registration) Regulation 9 (2) 1996 states:

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<sup>2</sup> Phillips and Brown 1980

“a child who has under arrangements made by a Local Authority become a registered pupil at a Special School shall not be removed from the admission register of that school without the consent of the Authority or, if that Authority refuses to consent, without a direction of the Secretary of State”.

- 4.2 Brighter Futures for Children’s statutory duty to undertake an annual review of children with an EHC Plan continues for those who are home educated. This review includes assessing whether the EHC Plan is still appropriate, requires amendment or might cease to be maintained. The Review process is managed by the SEND department at Brighter Futures for Children.
- 4.3 Parents who home educate are entitled through the normal channels, to apply for a Needs Assessment to determine their child’s SEND requirements and whether an EHC Plan would be appropriate
- 4.4 Parents are also able to contact Reading IASS for SEND for free advice and support.

## 5. The Headteacher’s Duty

- 5.1 The Headteacher, on receipt of the parents’ letter stating they are withdrawing their child to educate him / her other than at school, has a duty to delete the pupil’s name from the school admission register. The Headteacher must inform the Brighter Futures for Children within five working days and the child’s name will then be transferred to the records kept by Brighter Futures for Children of children being electively home educated.

The Headteacher will be required to complete a School Exit form and return it to the Advisory Teacher for EHE and an electronic Leavers Form for the School Admissions Team.

The Headteacher is also required, by law, to store the school file relating to the child / young person securely until either the child / young person

- a) is on the roll of another school/college and that school/college has requested the file to be passed on  
or
- b) has reached the age of 25.

Parents may be given a copy of the file if they request it and the school may charge for the photocopying.

- 5.2 If a parent/carer does not inform the Headteacher in writing that they are withdrawing their child to educate him / her other than at school, the child will remain on roll and the parent/carer may be liable to prosecution for non-attendance.
- 5.3 The DCSF EHE (2007 & 2013) guidelines<sup>3</sup>, para 3.12 makes it explicit that:  
“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, they must follow the statutory guidance. If the pupil has a poor attendance

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<sup>3</sup> DCSF (2007 and 2013) Elective Home Education: Guidelines for Local Authorities

record, the school and local authority must address the issues behind the absenteeism and use the other remedies available to them.”

## 6. The Local Authority's Duty

- 6.1 The legal duty of Local Authorities is concerned only with children who appear not to be receiving a suitable education. However, Case Law<sup>4</sup> established that a Local Authority may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided.
- 6.2 Sections 437 and 443 of the Education Act 1996, dealing with school attendance orders, confers a duty on the Local Authority and sets out the arrangements that a Local Authority will make in order to carry out its legal duties under the Act i.e. if it appears that a child of compulsory school age is not receiving a suitable education

*“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, 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.”* Education Act 1996 s437 and s443.

## 7. The Role of Brighter Futures for Children

- 7.1 This section sets out the arrangements that Brighter Futures for Children will make in order to carry out its statutory duties for children who are educated at home.
- 7.2 In order to carry out these duties, the Brighter Futures for Children will:
- Provide a named Advisory Teacher for EHE to liaise with parents. The named qualified teacher will have a wide range of teaching experiences enabling them to support the education being provided and make an assessment against the legal definition of “suitable for their age, ability and aptitude”;
  - Provide information for parents enquiring about, or who are already, educating children at home. This information will be made available in community languages and alternative formats on request;
  - Maintain a record of known statutory school age pupils being educated at home. This will enable the named Advisory Teacher for EHE to make contact with parents to offer support and advice;
  - Recognise parents’ rights to decide upon the knowledge and skills presented and the learning methods adopted;
  - Uphold the rights of parents to choose their preferred method of communication to show how they are meeting their legal responsibilities;
  - Encourage, consult and develop relationships with interested parties, including (but not exclusively) EHE families and young people, known EHE groups, other LA EHE officers and teams; School Admissions Team, Schools, Education Welfare Service, CSPoA and Social Care, Children’s Action Teams, SEND, post 16 support and the voluntary sector
  - In the September following a young person’s 16<sup>th</sup> birthday, their parents / carers will receive a questionnaire and opt out letter from the Advisory Teacher for EHE before the young person’s details are transferred to Engage Careers, who on behalf of Brighter

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<sup>4</sup> Philips and Brown 1980

Futures for Children, are responsible for supporting and tracking all known post 16 year olds;

- For students and young people with an EHC Plan the support and tracking will continue until the age of 25 or until the EHC Plan ceases to exist or they enter employment.
- Raise awareness of the policy amongst professionals within School Admissions Team, Schools, Education Welfare Service, CSPoA and Social Care, Children's Action Teams, SEND and external agencies, including Reading IASS for SEND and the Voluntary Sector to enable them to signpost appropriately.
- Adhere to the Brighter Futures for Children complaints procedure if a complaint is received.

7.3 If it appears to the Advisory Teacher for EHE that a child is not receiving a suitable education, after offering support and allowing parents a reasonable amount of time to address concerns, Brighter Futures for Children may follow the legal procedures outlined in para 6.2, which may result in the issuing of a school attendance order requiring the child to attend a named school.

7.4 Brighter Futures for Children may also receive information that a child is either not attending school and/or being home educated from a number of sources. These include: the School Admissions team; Social Care; Education Welfare Service, Health services; Housing or other Local Authorities. If a child is not on roll at a school, the Children Missing Out on Education Officer should investigate whether the child is known to EHE before taking any further action. It should not be assumed that home education is being provided until a parent/carer states in writing to Brighter Futures for Children that this is the case.

7.5 Parents/carers need to be aware that any person nominated by Brighter Futures for Children to support home education has a duty to report on any concerns relating to health and safety or child protection issues which arise in the course of their duties.

## 8. Procedures on notification of Elective Home Education

Prior to making a final decision and notifying the school, parents should be encouraged to contact the Advisory Teacher for EHE 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.

8.1 The exchange of information with other professionals including the School Admissions Team, Schools, Education Welfare Service, CSPoA, Social Care, Children's Action Teams and SEND, ensures that the majority of families electing to remove their child to educate other than in school, will become known to the Advisory Teacher for EHE and will receive all the appropriate information and support.

8.2 Initial contact with the family by the Advisory Teacher for EHE:

- Once the Advisory Teacher for EHE has been informed about the withdrawal of a child / young person "to educate other than in school", s/he will send an introductory letter and information pack within five working days to the parent/carer. The pack will include

the “Information for Parents and Carers” guidelines which conforms with the DCSF 2007 & 2013 guidelines para 2.5 that

*“each local authority provides written information about elective home education that is clear, accurate and sets out the legal position, roles and responsibilities of both the local authority and parents”*

- This will be followed by a telephone call or email within two weeks of posting the information pack to ensure the pack has been received, answer any immediate questions and discuss the possibility of a support meeting either in the home or at a mutually convenient place.
- If a meeting or visit is accepted, then a mutually convenient date, time and place will be agreed. This will seek to establish a relationship with the parent /carer and will provide an opportunity for exchange of information including the roles of the parent/carers and Brighter Futures for Children.
- The parent will be invited to discuss their plans (what they are setting out to achieve). However, Brighter Futures for Children recognises that the parent/carers is under no legal obligation to provide this information either in writing or verbally.
- Based on the parent/carers wishes, topics for discussion may include:
  - Sources of help and advice, including support from other professionals
  - Possible future support visits to share good practice and discuss any current challenges faced by the parent/carers
  - The parent’s/carers’ future intentions, for instance in relation to examinations or a possible return to school / college in the future;
- If parents/carers wish, it may also be appropriate to discuss their reasons for home educating. In some circumstances parents/carers may wish to explore ways of accessing a suitable and acceptable school place.

## 9. Safeguarding

9.1 The Education Act 2002, Section 175 and The Children Act 2004, Sections 10 and 11 set out the arrangements the Local Education Authority shall make to safeguard and promote the welfare of children. This would include children who are Electively Home Educated. These powers allow local authorities to insist on seeing children in order to enquire about their welfare, only where there are grounds for concern, not to assess their home education.

9.2 Action to be taken to safeguard children:


The Advisory Teacher for Elective Home Education should have identified children and young people recently notified to the EHE service who may be vulnerable via the named person in CSPoA and the School Exit form.

If welfare or safeguarding concerns arise during the Advisory Teacher’s contact with a young person and their family, these will be discussed with the EHE Manager, and if agreed, referred to CSPoA for further investigation.

## 10. Service Monitoring

- The service will be reviewed on an annual basis and the policy will also be reviewed to reflect best practice in the light of further government guidance or legislation;



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- Statistical analysis of equality information (age, gender, ethnicity and SEND) of home educated statutory school age pupils will take place on an annual basis to identify any discernible trends;
  - Regular reports will be produced for the EHE Manager and BWSCP;
  - Referrals to other services will also be monitored to ensure relevant support is offered to home educating families with additional needs;
  - Known home educating parents/carers and children will be asked to feedback on the effectiveness of the service and the accessibility of the policy whilst respecting the wishes of those families who have clearly stated they do not wish to have any contact with or from the Brighter Futures for Children.

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