



# Elective Home Education Policy

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## Summary

This policy outlines the responsibilities related to Elective Home Education for schools and parents / carers.

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## Owner

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## Principles

Reading Borough Council (RBC) recognises that parents/carers<sup>1</sup> have the right to choose to home educate in accordance with the Education Act 1996. RBC 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.

This policy 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 of Reading Borough Council.

## Rationale

Reading Borough Council acknowledges that:

- All children have a right to receive a suitable education that is appropriate to their age, ability and aptitude.
- 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.
- 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.
- 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]
- 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, September 2023]
- Reading Borough Council 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 Reading Borough Council that they wish to home educate from statutory school age.

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

Reading Borough Council recognises that home educating parents and carers are responsible for ensuring that their child receives an efficient and suitable education. Reading Borough Council is not responsible for prescribing the ways parents should educate.

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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



Section 7 of the Education Act 1996 states that:

“The parent of every child of compulsory school age shall cause [them] to receive efficient full-time education suitable:

- to his age, ability and aptitude, and
- 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.”

Suitable education - There is no definition of a ‘suitable’ education in English statute law. Case law has provided some clarity, a “suitable” education is one that:

1) “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” (R v Secretary of State for Education, ex parte Talmud Torah Machzikei Hadass School Trust. Judicial review 1985).

2) enables them to achieve their full potential (Harrison & Harrison v Stevenson. Appeal 1981 Worcester Crown Court)

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 Reading Borough Council
- have regular contact with Reading Borough Council
- meet with the EHE Officer for Elective Home Education



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.

## **Special Educational Needs and Disability**

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 Local Authority. Consent may not unreasonably be withheld.

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

“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”.

Reading Borough Council'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 Reading Borough Council.

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.

Parents are also able to contact Reading IASS for SEND for free independent advice and support.

Children and young people with an EHC Plan attending a mainstream school or a resource base within a mainstream school can also be withdrawn to be home educated. Reading Borough Council have a process in place whereby an early Annual Review is held by the school involving the school, the SEND case officer and the EHE Officer prior to removal to ensure that parents/carers can meet the requirements laid out in the EHC Plan.

## **The Headteacher's Duty**

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 Reading Borough Council within five working days and the child's name will then be transferred to the records kept by Reading Borough Council of children being electively home educated.

The headteacher will be required to complete a School Exit form and return it to the EHE Officer 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

- is on the roll of another school/college and that school/college has requested the file to be passed on

or

- 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.

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.

The DfE EHE (2019) guidelines<sup>2</sup>, para 10.5 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 record, the school and local authority must address the issues behind the absenteeism and use the other remedies available to them.”

## **The Local Authority’s Duty**

The legal duty of Local Authorities is concerned only with children who appear not to be receiving a suitable education. However, Case Law 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.

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.

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<sup>2</sup> Department for Education; Elective Home Education: Guidelines for Local Authorities 2019  
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## The Role of Reading Borough Council

This section sets out the arrangements that Reading Borough Council will make in order to carry out its statutory duties for children who are educated at home.

In order to carry out these duties, Reading Borough Council will:

- Provide a named EHE Officer to liaise with parents. The named officer will have a wide range of 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 EHE Officer 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, Attendance Support Team, CSPoA and Social Care, Children’s Action Teams, SEND, post 16 support and the voluntary sector;
- In order to ensure that EHE families receive notification from the School Nursing Team regarding vaccinations and medical information normally disseminated through schools, contact details will be shared on a confidential basis. If parents/carers wish to opt out of this, they can do so by informing the EHE Officer at Reading Borough Council;
- In the July following a young person’s 16<sup>th</sup> birthday, they cease to be statutory school age. Elevate<sup>3</sup> are the service within Reading Borough Council responsible for supporting and tracking all post known 16-18 year old young people will automatically be transferred to them;
- 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, Attendance Support Team, Children’s Family Help and Safeguarding

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<sup>3</sup> [Elevate - careers service - Brighter Futures For Children](#)



services, SEND and external agencies, including Reading IASS for SEND and the Voluntary Sector to enable them to signpost appropriately;

If it appears to the EHE Officer that a child is not receiving a suitable education, after offering support and allowing parents a reasonable amount of time to address concerns, Reading Borough Council may follow the legal procedures outlined in para 6.2 as a last resort, which may result in the issuing of a school attendance order requiring the child to attend a named school.

Reading Borough Council 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; School Attendance Team, Health services; Housing or other Local Authorities. If a child is not on roll at a school, the Children Missing 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 Reading Borough Council that this is the case.

Parents/carers need to be aware that any person nominated by Reading Borough Council 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.

## **Procedures on notification of Elective Home Education**

Prior to making a final decision and notifying the school, parents should be encouraged to contact the EHE Officer for details and information about their responsibilities and the financial implications for the family. The school should offer a meeting with the parents/carers, their Attendance Support Worker and the EHE Officer prior to accepting the withdrawal letter/email to explore all the educational options available and ensure parents/carers make a fully informed decision.

If parents/carers are considering withdrawal from school due to medical reasons, the school must attempt to hold a meeting with the parent/carers and Reading Borough Council to ensure that parents/carers understand the medical tuition policy and procedures within Reading Borough Council. The policy outlines the council obligations to educate children who cannot attend school for health reasons due to exclusion or otherwise.

The exchange of information with other professionals including the School Admissions Team, Schools, Attendance Support Team, 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 EHE Officer and will receive all the appropriate information and support.



Initial contact with the family by the EHE Officer:

- Once the EHE Officer 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 DfE guidelines para 10.8 that;

*“As a minimum, local authorities should provide written information (which is also available through the internet) on elective home education that is clear and accurate and which sets out the legal position”*

- 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/carer and Reading Borough Council.
- The parent/carer will be invited to discuss their plans (what they are setting out to achieve). However, Reading Borough Council recognises that the parent/carer 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 practise and discuss any current challenges faced by the parent/carer
  - The parent’s/carer’s 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.

## **Safeguarding**

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.



Action to be taken to safeguard children (Please see appendix 2 for further detail on how Reading Borough Council works to safeguarding children educated at home):

- The EHE Officer 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 and oversee their provision accordingly with any potential risk identified. E.g. for a child that is on a child protection plan, more regular visits may be advocated for if appropriate alongside the family's social worker.
- The EHE Officer will be mindful of the potential impact of isolation on a child's wellbeing, socialisation and advocate for opportunities to support children and young people's wellbeing if children are presenting as withdrawn or verbalising their desire for more social activities.
- If welfare or safeguarding concerns arise during the EHE Officer's contact with a young person and their family these will be discussed with management, and if agreed, referred to appropriate services, including children's social care where local thresholds are met.

## **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;
- 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 to enable management oversight, including from the 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 Reading Borough Council.



## Appendix 1 – Key legislation and Acronym list

This policy should be read in conjunction with:

- RBC Elective Home Education (EHE) - Information and Guidance for Parents and Carers
- RBC - 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 |
| • 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                          |
| • DfE          | Department for Education                                   |
| • BWSCP        | Berkshire West Safeguarding Children Partnership           |



## Appendix 2 – Safeguarding electively home educated pupils

### [Link between EHE and Safeguarding](#)

*“There is no proven correlation between home education and safeguarding risk. In some serious cases of neglect or abuse in recent years, the child concerned has been home educated but that has not usually been a causative factor and the child has normally been known anyway to the relevant local authority.*

*However, a child being educated at home is not necessarily being seen on a regular basis by professionals such as teachers and this logically increases the chances that any parents who set out to use home education to avoid independent oversight may be more successful by doing so.” DfE EHE Guidance, 2013.*

### **RBC’s Commitment:**

Reading Borough Council commits to discharging its safeguarding duty to all children, including children educated at home. To do this, we will pay particular attention to identifying, responding and overseeing the provision and interventions of children that are or may be at risk.

In practice, this includes:

- Monitoring the welfare of children that are EHE on a Child Protection plan, are a child in need or have an Education Health and Care Plan
- Attending any meetings where possible to contribute to the team around a family or child, such as Child Protection Meetings, core groups, Team around the Family (TAF), Annual Review of EHCP
- Ensuring safeguarding information is included in information requested from schools when a pupil is de-registered, and a robust check of all relevant databased held within the LA that may be able to highlight information about the risks towards children and young people
- Maintain good relationships with internal and external partners and be visible within the organisation, to ensure professionals know who to share concerns with for children that are electively home educated including Health including GP’s, Family Help and Safeguarding Services, SEND, Youth Justice
- Promoting services and support to families and children where isolation may be a risk factor for mental health issues or other rarer risks, such as susceptibility to radicalisation
- Seek to hear the voice of children and young people, in accessible ways and as often as possible in visits to families as well as hearing from parents and carers