

Elective Home Education Policy and Procedures

September 2021



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1.0 Introduction

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. This is different to home tuition provided by a Local Authority (LA).

1.2 This document outlines the policy and procedures to enable City of York Council (CYC) to comply with its duties towards children and young people living in City of York 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.

2.0 Policy Statement

2.1 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 that function to safeguard the educational interests of children and young people: relationships that are rooted in genuine mutual understanding, trust and respect

2.2 This policy seeks to build 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.

3.0 The Law relating to Elective Home Education

3.1 Parents have a right to educate their children at home, section 7 of the Education Act 1996 provides that

“ 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.”

3.2 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. Local Authorities should however be enabled by parents to assess the overall time devoted to home education of a child so that this can be set alongside the suitability of the education.

3.3 There is no definition of a suitable education in English law. The term suitable should be seen in the following light:

- It should enable a child to participate fully in life in the UK by including sufficient secular education

- Following a broad and balanced curriculum, the national curriculum or the standards for independent schools set by the Secretary of State will be seen as strong evidence of a suitable education
- If home education provided by a family taught children values or behavior which was in conflict with fundamental British values as defined in government guidance this would not be in accordance with a suitable education
- The home education may be legitimately cater specifically for particular aptitudes which a child has, even if that means reducing other content
- Suitable education is not simply a matter of academic learning but should also involve socialization
- Any assessment of suitability should take into account the environment in which home education is being provided
- Local authorities should not set rigid criteria for suitability

3.4 Compulsory school age begins on the next prescribed day following a child's fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August each year. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach the age of sixteen.

4.0 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. 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. In addition, the Act provides that, generally, children are to be educated in accordance with the wishes of their parents.

4.2 Parents are not required to inform the Local Authority that they intend to elect or have elected to home-educate. They are not required to seek approval from the LA, unless the child has an Education, Health & Care Plan and the LA has arranged educational provision at a school specified by the plan. If the child is subject to a School Attendance Order (SAO), the SAO should be revoked before EHE begins.

4.3 Parents whose child is enrolled at a school should write to the Head teacher to inform them that they elect to home educate, unless the school is named on the child's Education, Health & Care Plan, in which case parents are required to seek approval from the Local Authority first. Parents whose child is not enrolled at a school have no obligation to inform the Local Authority that they are home educating their child, however the Local Authority encourages contact with all home educating families and may make enquiries with the parents.

4.4 Although parents must provide education in accordance with section 7, (see paragraph 3.1 above), the type of educational activity can be varied and flexible. For example, parents may choose but are not required to:

- teach the National Curriculum
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work completed by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards

4.5 Parents may arrange for other people to tutor their child, though parents themselves continue to be responsible for the education provided. It is recommended that parents ensure that such people are qualified and suitable, including Disclosure and Barring Service (DBS) checks.

4.6 Parents who elect to home-educate assume full financial responsibility for their child's education, including the costs of private tuition, courses and public examinations. However, colleges can claim the cost of course fees directly from the Education Skills Funding Agency on an individual basis for home educated young people under 16 when parents and colleges are able to reach suitable individual arrangements. These individual arrangements are not brokered through the Local Authority but directly between parents and colleges.

5.0 The Local Authority's Responsibilities

5.1 Under section 436A of the Education Act 1996 Local authorities must make arrangements to find out so far as possible whether home educated children are receiving suitable full time education.

5.2 If it appears to the LA that a child of compulsory school age is not receiving suitable education it has a duty to serve a formal notice under section 437 of the Education Act 1996. The formal notice requires the parent to satisfy the Local Authority that the child is in fact receiving suitable education. If the Local Authority is not satisfied that the child is receiving a suitable education, the local authority 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. In these cases the through the Fair Access protocols the Behaviour

and Attendance Partnership will be consulted on which school will be named in a school attendance order.

5.3 The Local Authority has no legal power or duty to monitor home education on a routine basis although it will make enquiries if it is not clear that a child is receiving suitable education. 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 normally be justifiable for the LA to conclude that the child does not appear to be receiving suitable education. The LA will take in such instances the necessary steps to secure the child's education. 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.

6.0 Responsibilities of Schools in City of York

6.1 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 Local Authority expects the school to respond positively and constructively. If parents are considering home education because of a dispute with the school, the Local Authority expects the school to take all necessary steps to resolve the issue. This is likely to be scrutinised by the Local Authority. The school should signpost the parent to the Council's School Services Team for further advice and guidance to enable them to make an informed choice.

6.2 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 pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them."*

6.3 The Local Authority 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 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 Fair Access meeting will select the previous school for placement in the majority of cases.

6.4 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 Head teacher should ensure that the pupil's name is removed promptly from the admissions register in accordance with Section 8(1) (d) of the Education (Pupil Registration) (England) Regulations 2006.

6.5 Regulation 12 (3) of the Education (Pupil Registration)(England) Regulations 2006 states that *"the "proprietor" (Head teacher) of the school must, make a return to the Local Authority 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"*.

6.6 In practice the school must inform the Local Authority 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 School Services Team. The school must create a Common Transfer File and post it to the school to school (s2s) secure website where the file will be stored in the Lost Pupil Database section.

6.7 The school is responsible for raising any safeguarding concerns relating to a child with the Multi-Agency Safeguarding Hub (MASH).

6.8 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. Schools may want to write to the parent confirming the child is now off the school roll, that parents are home educating and are assuming full responsibility for their child's education.

7.0 Elective Home Education and Safeguarding

7.1 The general duties of LA's in relation to safeguarding are the same for all children however they are educated. Sections 10 and 11 of the children act 2004 give LA's general duties for promoting the welfare of children in their areas. 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 resident in City of York. The City of York Council will approach all cases where the suitability of home education is in doubt using powers in the Education Act 1996, but will also be ready, if a lack of suitable education appears likely to impair a child's development, to fully exercise our safeguarding powers and duties to protect the child's well-being, which includes their suitable education.

7.2 The School Services team will follow City of York Safeguarding Children Partnership 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.

7.3 CYC Officers will contact the Multi-Agency Safeguarding Hub when there is uncertainty about the welfare of the child. CYC Officers will explain the reasons for any welfare concerns to the parents in accordance with procedure.

8.0 Support, guidance and resources provided by the Local Authority

8.1 School Services provides support in the form of:

- Signposting parents to resources and services
- Publishing written information about EHE that is clear, accurate and sets out the legal position, roles and responsibilities of both the Local Authority and parents;
- Discussing the implications of EHE with parents before they make the decision to leave or enter the school system;
- Producing and distributing accurate written records of meetings with home educating parents and children;
- Promoting positive relationships with elective home education families based on mutual understanding, respect and trust in order to safeguard the educational interest of children.
- Seeks to mediate between schools and potential EHE families when the relationship has broken down and parents feel obliged to withdraw their child.

8.2 City of York Council embraces diversity and respects individual choice. We recognise that parents of all educational, social, racial, religious and ethnic backgrounds successfully educate children outside the school setting.

9.0 City of York Council's EHE Procedures

9.1 When the School Services Team receive formal confirmation from a school or directly from a parent that a child is being home educated, a check will be made on the Synergy Education Database to ensure that de-registration is correctly recorded. The pupil record will note the child as EHE which will enable the LA to record involvement with the family.

9.2 The School Services Team will:

- Check Single View (the electronic recording system that allows access to basic information (such as any named worker in children's social care or Local Area Team) and contact any named worker.
- Request information from school, including completion of the "CYC EHE form".
- Check if there are siblings
- Ordinarily the Council will write to parents within 60 school days, of receiving a notification, requesting from parents some indication if possible, as to the education they are proposing to do with the child, what programme of work is intended and what resources are planned to be used.

It is desirable to allow sufficient time for parents to set in motion arrangements for home education. This was established by the Courts in 1985 when it was argued that when children are withdrawn from school it is sometimes necessary to allow a fallow period for children's confidence in themselves and in their education to return. Many parents, none of whom need permission to educate their own children at home, may well find it unacceptable during a settling in period to be unduly pressurised into providing

significant amounts of information. Families however should be aiming to offer satisfactory home education from the outset and to have made preparations with that aim in view, as time lost in educating a child is difficult to recover. In such cases the LA will arrange a reasonable timescale for the parents to develop their provision.

9.3 Parents may exercise their right not to allow the Local Authority access to the home, the child or the child's work. The duty on Local Authorities to intervene under section 437(1) of the Education Act 1996 applies if it appears that parents are not providing a suitable education. If parents do not provide any evidence in written form or by verbal feedback, this is sufficient for the Council to decide that the child is not being effectively educated. One step the Council can take is to get the child into a school to ensure that education will take place. In most instances it is appropriate, if parents show an intention to improve, to give some time for this to happen, and then make a further request for information. If the provision does not improve the case is referred to the Council's Schools Adviser for Attendance.

9.4 If it appears to The School Services Team that a suitable education is not taking place then the School Attendance Adviser will consider commencing the statutory process for issuing a School Attendance Order ('SAO').

9.5 The School Attendance Adviser will write to parents requiring them to satisfy the Local Authority within 15 days (plus two days for service by first class post) that the child is receiving efficient full-time education suitable to the child's age, ability and aptitude and to any special educational needs he/she may have.

9.6 If the Local Authority continues to be dissatisfied with the education being provided, a statutory "Notice of Intention to Serve a School Attendance Order 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. Generally the LA will name the school the child most recently attended if within CYC.

9.7 If the parent does not respond, or does not make satisfactory arrangements elsewhere, the Local Authority 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.

9.8 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 Local Authority 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 Local Authority 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.

9.9 In cases where the School Services Team has been unable to contact a family, the School Attendance Adviser will be informed and the child will be recorded as a child missing education (CME) and the CME procedures will be followed.

10.0 Elective Home Education and Special Needs in City of York

10.1 Parents' right to educate their child at home applies equally where a child has an Education, Health and Care plan (EHCP). The Local Authority has a duty to review Education, Health and Care 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 for electively home educated children. The Local Authority will make it clear to parents that they are welcome to attend but are not obliged to do so.

10.2 If the child is on the roll of a special school or mainstream school specified by the child's Education, Health & Care Plan, the child's name may not be removed from the school register without the Local Authority's consent, or if the Local Authority 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 review as soon as they are aware of an intention to home educate.

10.3 In order to assess whether home provision is suitable for the special education needs of the child, parents will be asked to provide information regarding the home education provision. The Local Authority will only be relieved of its duty to arrange the provision specified in the child's EHCP plan if it is satisfied that the parents' arrangements are suitable.

10.4 If the Local Authority is satisfied with the parents' arrangements it will continue to have a duty to maintain and review the EHCP plan annually until: it decides to cease the EHCP plan; or the EHCP plan automatically lapses; or the EHCP plan is transferred to another Local Authority. The Local Authority does not have to name a school/setting in part 4 of the child's EHCP 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 EHCP plan, the plan should make clear that the child or young person will be educated at home. If it does then the local authority, 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 local authority must have regard to the views, wishes and feelings of the child and his or her parents, or the young person.

10.5 Where it appears to the Local Authority that a child is not receiving education suitable to age, ability and aptitude and SEN, the procedures set out in 9.6 will be followed. If the EHCP 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.

10.6 Therapy provision, if stipulated in the EHCP plan, should be accessed through the GP or at the electively home educating parents' expense and professionals invited to contribute to the annual review.

10.7 A parent who is educating their child at home may ask the Local Authority to carry out a statutory assessment of their child's special educational needs and the Local Authority will consider the request within the same statutory timescales and in the same way as for all other requests.

11.0 E safety

11.1 Many parents and carers may only have a limited understanding of e-safety risks and issues, yet they play an essential role in the education of their children and in the monitoring and regulation of the children's on-line experiences. Parents often either under-estimate or do not realise how often children and young people come across potentially harmful and inappropriate material on the internet and are unsure how to react to it.

11.2 Any parents with concerns about any aspect of safeguarding are encouraged to make contact with the MASH so that the appropriate expert officer can be contacted.

12.0 Flexi Schooling

12.1 Parents who educate their child at home can request flexi schooling which is an arrangement between the parent and the school where the child is registered at the school and attends the school only part time. This can be a long term arrangement or a short term measure for a particular reason. It is important to note that flexi schooling can only take place with the agreement of the school. The Council has no authority to instruct any school to participate in flexi schooling. If a parent is interested in flexi schooling they should discuss it with the head teacher of the school concerned. If they do, then time spent by the child being educated at home should be authorised as absence in the usual way and marked in attendance registers accordingly. It is not appropriate to mark this time as approved off-site activity as the school has no supervisory role in the child's education at such times and also has no responsibility for the welfare of the child while he or she is at home.

13.0 Review and Evaluation

13.1 This policy and procedure will be reviewed annually by the School Inclusion Advisor

13.2 Consultation with home educators will take place where there are significant changes to policy or procedure. The voice of parents and children/young people also informs developments. City of York Council is committed to securing an effective partnership with

home educators based on respect, consent (within the parameters of safeguarding legislation) and with the best interest and rights of the child at the centre.

References

- Education Act 1996 www.legislation.gov.uk/ukpga/1996/56/contents
- Education Act 2002 www.legislation.gov.uk/ukpga/2002/32/contents
- Special Educational Needs Code of Practice 2014
- <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- <https://www.gov.uk/government/publications/school-attendance> 2018
- <https://www.gov.uk/government/publications/elective-home-education> 2019

APPENDIX 1 - ELECTIVE HOME EDUCATION

School Information Request Form

NAME OF SCHOOL:

Part 1 to be completed by School on receipt of the Elective Home Education request			
Date request received :~ Please attach the EHE request to this form if available			
Pupil Surname:	Pupil First Name :		
Alias:	Pupil Middle Name:		
Date of Birth:	UPN No :		
Year Group :	Gender : M / F Ethnicity:		
Address: Current <input type="checkbox"/> Last Known <input type="checkbox"/>	Names of parents / guardians (full names please with DOB if known)		
Contact No Home:	1. DOB Relationship to child		
Mobile:	2. DOB Relationship to child:		
Any Other Contact No's:			
Are there any known concerns related to staff safety in visiting this family/address: No <input type="checkbox"/> YES <input type="checkbox"/> If yeas please supply relevant information			
Is this child / young person currently: (please indicate)			
Child in Care		A Refugee / Asylum Seeker	
Subject to a Child Protection plan		From a Travelling Family	
In Temporary Accommodation		Private Foster Arrangement	
Are any of the following agencies known to be currently involved with this child / family (please indicate and provide contact names if known)			
Children's Social Care		Education Psychology	
School Nurse		Youth Justice Service	
SEND		My Support Plan (MSP)	
CAHMS		FEHA	

Please provide any further details

School Contact Details

Name

Position

Signature

Date

Please send the form to :

School Services Team

Children, Education and Communities
West Offices, Station Rise, York YO1 6GA

Telephone : 01904 551554 E-mail: education@york.gov.uk

APPENDIX 2



Elective Home Education

Planned Education Form

Please provide a brief outline of the plans for your child's education at home

[School Services](#)

[West Offices, Station Rise, York, YO1 6GA](#)

01904 551 554 | education@york.gov.uk

www.york.gov.uk/schoolservices | [@School Services](#)

1 | Your Details

Child Name

Child DOB

Parent Name(s)

Address

Post Code

Email Address

Mobile Number

Current School

2 | Education Plan

You may want to include the following:

- Outline of proposed activities
- The learning format and resources to be used
- Opportunities for both physical development and social experiences
- How progress will be assessed

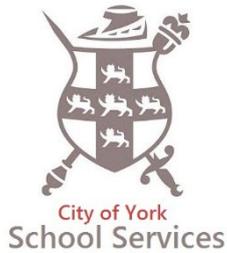


3 Reasons for Choosing Elective Home Education

It would be helpful for monitoring purposes if you could provide brief details as to why you have selected home education for your child. If you are happy to share the reasons please indicate below:



APPENDIX 3



Elective Home Education

Parent/Carer Report Form

We would appreciate receiving some information from you regarding the home education of your child. Although you are not obliged to provide this, we would be grateful if you could complete this form, as this will enable us to determine whether a suitable education is being provided. Once complete please return it to us by email or post to the address below. Thank you.

School Services

[West Offices, Station Rise, York, YO1 6GA](#)

01904 551 554 | education@york.gov.uk

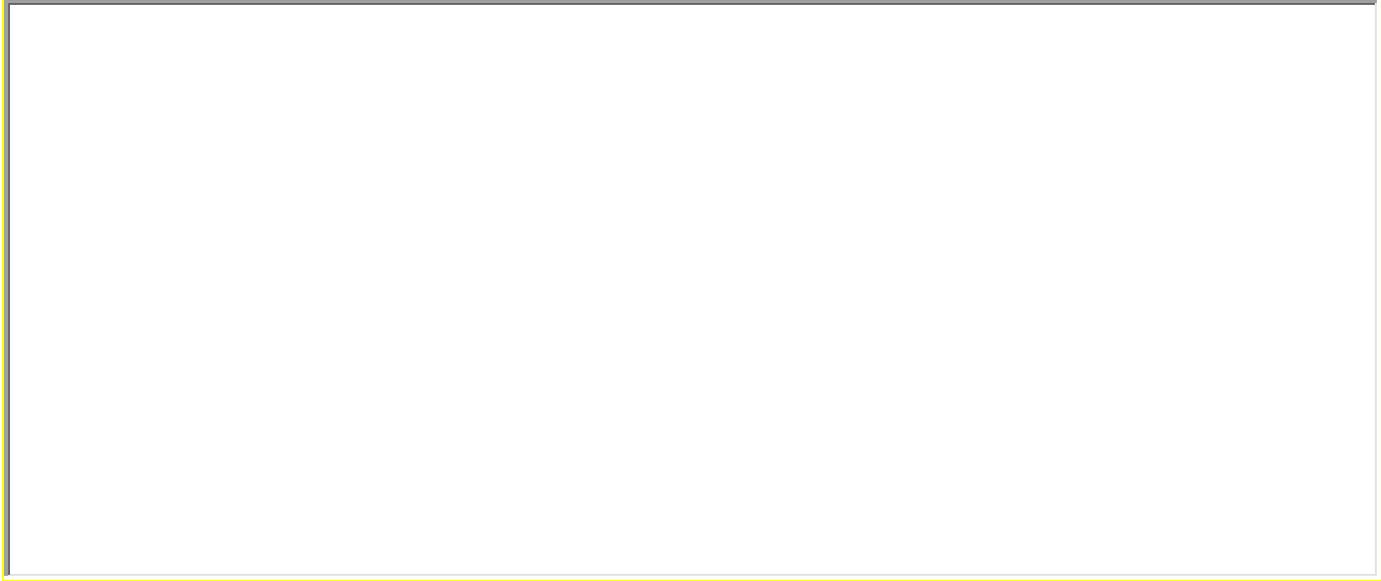
www.york.gov.uk/schoolservices | [@School_Services](#)

1 | Your Details

Child Name	<input type="text"/>
Child DOB	<input type="text"/>
Parent Name(s)	<input type="text"/>
Address	<input type="text"/>
Post Code	<input type="text"/>
Email Address	<input type="text"/>
Mobile Number	<input type="text"/>

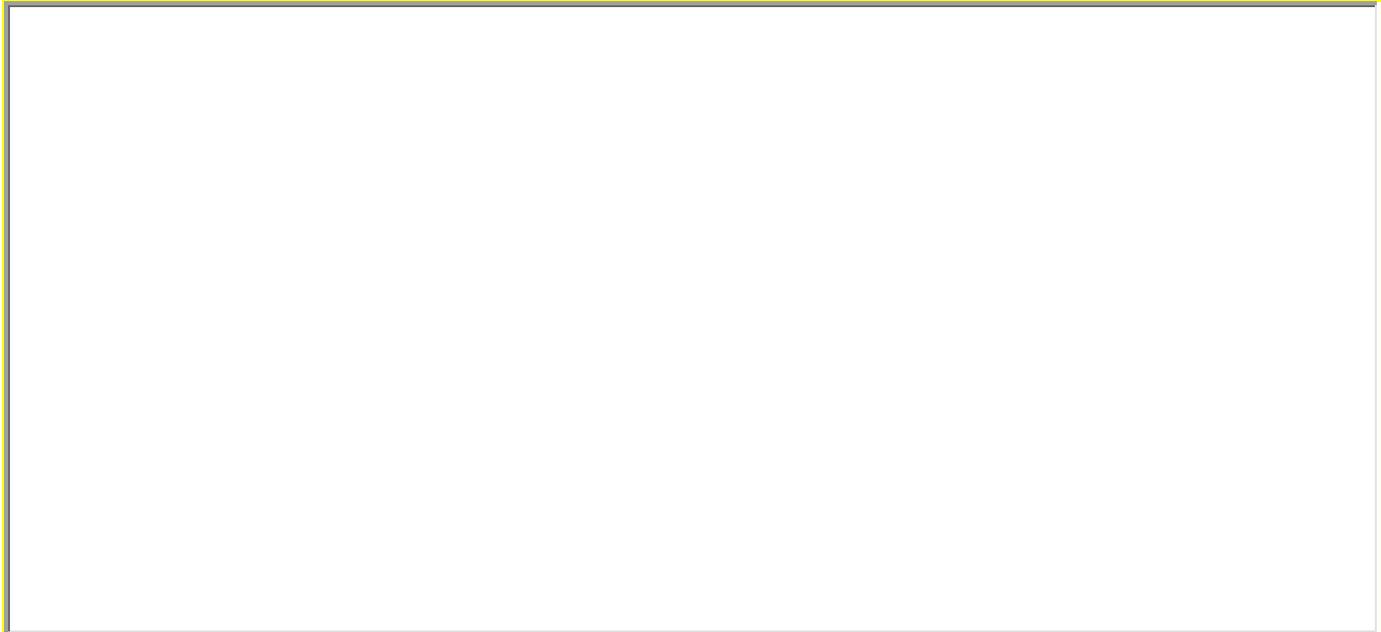
2 | Learning Environment

Please provide details of where your child's education has taken place since the last review, both within and outside of the home.



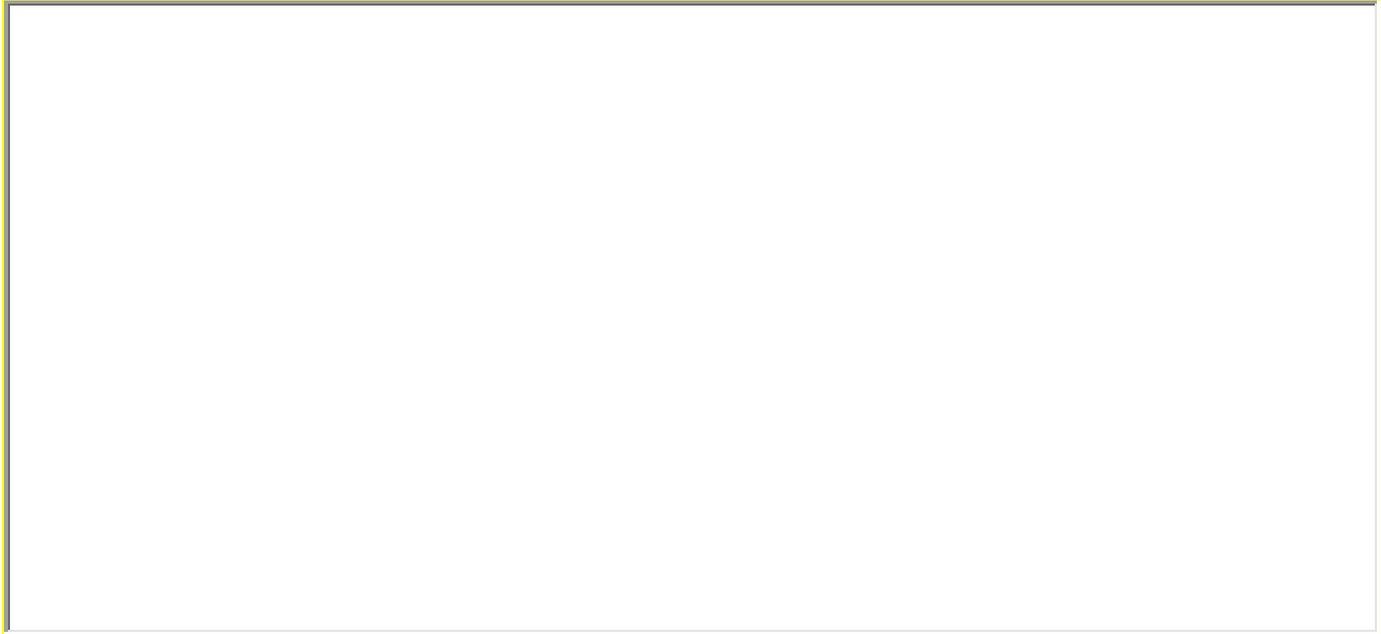
3 | Learning Resources

What learning resources has your child had access to since the last review?
This could include home or external tutors or internet based learning.



4 | Programme of Activity

Please provide detailed examples of the learning/educational activities your child has had access to since the last review.



5 | Child Progression

In preparing your child for adult life, how do you monitor the progression and learning development of your child?



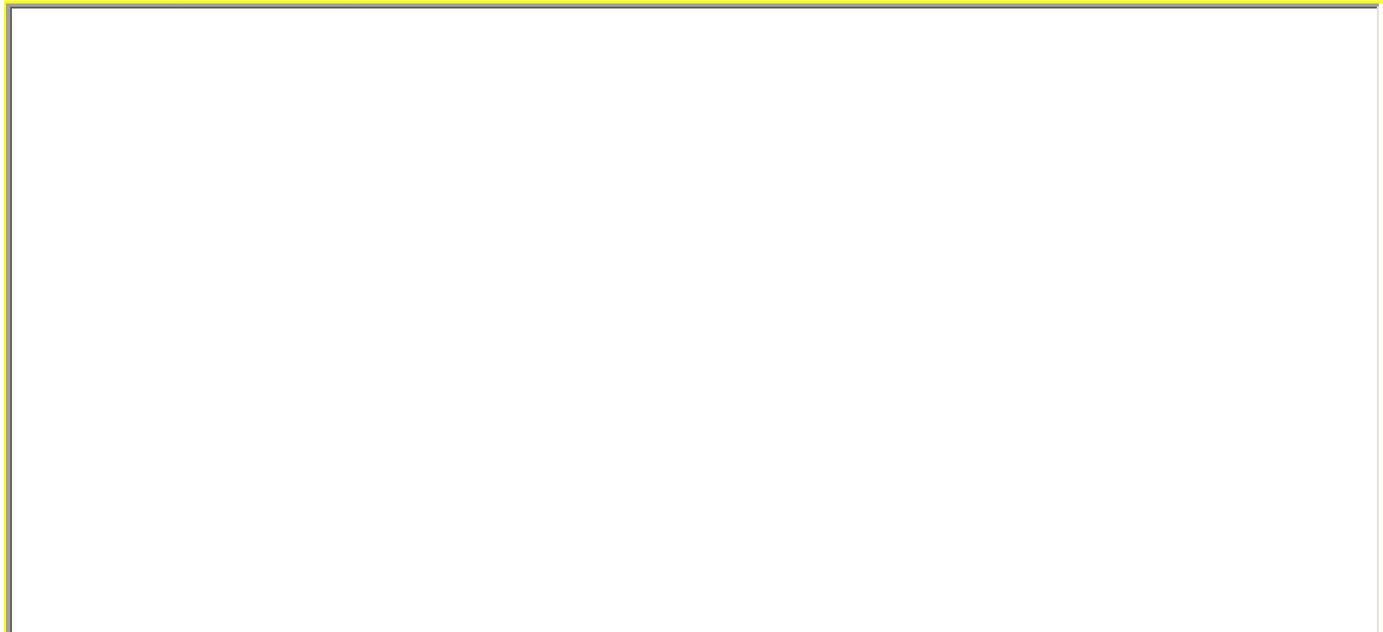
6 | Social Experience

What opportunity has your child had to socialise with their peer group or other children since the last review? This could include sport, drama, choir, local home education meetings, sports groups or opportunity to play with local children.



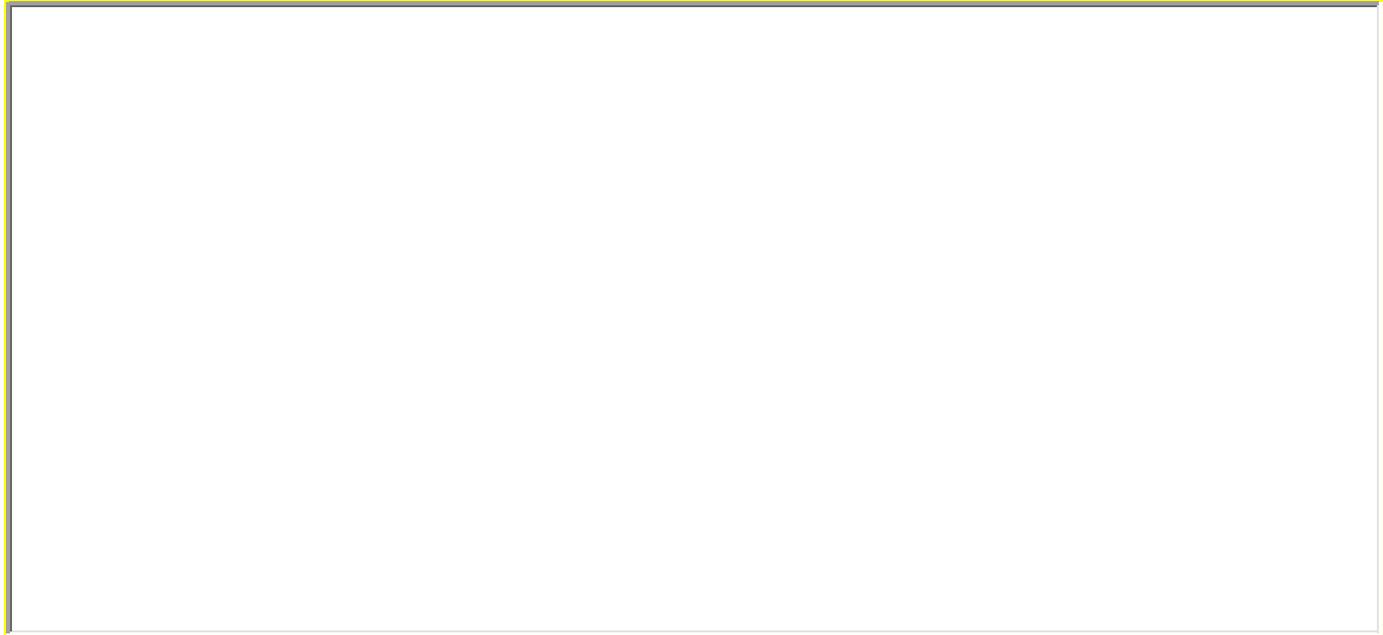
7 | Physical Development

What opportunities has your child had to be involved in physical activity since the last review? This may include being involved in sports activities, walking, horse riding, swimming etc.



8 | Child's views on home education and their aspirations

It is always important to hear the views of the child and it would be helpful if they could provide their thoughts about their education since the last review and their views about their aims, ambitions and aspirations for the future.



9 | Completed by

Name

Date