



## **ELECTIVE HOME EDUCATION POLICY**

### **Introduction**

This policy sets out parents' rights to educate their children at home, together with the legal duties and responsibilities of parents, headteachers and Suffolk County Council (SCC). The legal responsibility for ensuring children receive an education rests with their parents. The majority meet this duty by sending their children to school, but some parents choose to exercise their parental right and elect to educate their children at home. Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe this.

SCC desires that parents who choose EHE for their children will work together with SCC, recognising each other's rights and responsibilities. EHE officers work to establish and maintain a positive dialogue with parents and professionals working with home educating families and work in children's best interests, to ensure that a high-quality education is received, children's views are considered, and children are safe. EHE officers understand and are supportive of many differing approaches or 'ways of home educating' which are feasible and legally valid.

### **SCC's role and duties**

SCC has a duty to establish the identities of compulsory school aged children in their area who are not registered pupils at a school and are not receiving a suitable education for his or her age, ability, aptitude, and any special needs they may have. Therefore, the EHE team will respond to concerns that a child understood to be receiving EHE is not being provided with a suitable education. Those children identified as not receiving suitable education should be returned to full time education, either at a school or in alternative provision. Prompt action and early intervention are crucial to discharging this duty effectively and in ensuring that children are safe and receiving suitable education.

SCC has general duties to safeguard and promote the welfare of children. EHE officers, along with all employees of SCC, have a responsibility to ensure all children are safeguarded and their welfare promoted throughout their work. Where necessary, if it is evident that a child is not receiving a suitable education at home and the use of school attendance powers is not achieving a change in that situation, the authority should act to remedy the position, making use of its safeguarding powers. The overriding objective in these cases is to ensure that the child's development is protected from significant harm.

The role of the EHE team is also to provide support and information for parents currently providing or considering starting EHE for their child.

SCC will monitor and track the number of EHE cases from individual educational settings and use this information to inform appropriate support and challenge to school leaders. Where there is substantial evidence of known or perceived cases of 'off rolling' SCC will, if appropriate, share these concerns with the relevant bodies, such as Ofsted and the Regional Director (RD), as per DfE Guidance April 2019.

### **Parents' duties**

The parents of every child of compulsory school age are responsible for ensuring that the child receives efficient full-time education, whether this be by regular attendance at school or otherwise.

The law says that this educational provision must be suited to the age, ability and aptitude of the child and any special educational needs they may have. In England, education is compulsory but school is not, and so the parent may lawfully choose to educate their child by EHE.

Parents must also comply with notices and orders served by SCC, if it appears that they are not providing a suitable education.

SCC follows the judgement in the court case of Phillips v Brown [1980] and subsequent guidance from the Department for Education (DfE). Together these agree that where a local authority does not know about a child then the sensible action is to ask the parent for the necessary information. The court case confirms that the parent does not have to reply but states it would be sensible if they did.

## **Schools and Elective Home Education**

In situations where parents are considering EHE, parents and schools, where appropriate, are encouraged to obtain advice and support from SCC's EHE team.

Schools must not seek to persuade parents to educate their child at home, nor would it be recommended for parents to elect to educate their children at home as a way of solving a perceived or ongoing problem at school without seeking a resolution.

The practice of removing a pupil from the school roll by encouraging a parent to remove their child from the school, when the removal is primarily in the interests of the school rather than in the best interests of the pupil would be considered 'off-rolling'.

There is no provision in law for a 'trial period' of home education.

When a school receives written notification from a parent of their intention to remove the child from the school and home educate their child the school must acknowledge (in writing) receipt of the parents' written notification of their decision and delete the child's name from their admissions register. The school must inform SCC immediately of the removal of the child's name from the admissions register via CME and EHE procedures.

## **Children with an Education, Health and Care Plan**

A parent's right to educate their child at home applies equally where a child has special educational needs (SEN) and disabilities. It is recommended that parents of any child subject to the statutory provisions of an Educational Health and Care Plan (EHCP) who are considering whether to make their own arrangements should discuss this with the SEND Family Services Team to ensure that they are fully aware of alternatives (amended provision and/or change of placement) and their statutory rights of appeal. Therefore, it is recommended that an early annual review is called to discuss and plan for the possible amended provision and/or change of placement.

There is a difference between home tuition arranged by SCC and EHE. Where the EHCP lists SEN provision that is specified to be provided at the child's home, then this is Education Other Than At School (EOTAS). Such home tuition is not considered EHE and SCC is under a duty to arrange the provision specified. Where the SCC names in the EHCP a school or type of school as the place where the child should receive his or her education, but the parent chooses to home educate their child, then this is EHE. However, before SCC is relieved of its duty to provide the specific SEN provision, the LA must be satisfied that the parent has put in place a suitable alternative. Where a child is being educated by EHE and has an EHCP, SCC must review their EHCP annually to assure itself that the provision set out in it continues to be appropriate and that the child's special educational needs continue to be met.

Where a child or young person is a registered pupil at a special school and the parent wishes to home educate, before the child's name can be removed from the school's admissions register SCC must give consent for the child's name to be removed. The DfE guidance notes this should not be a lengthy or complex process, but this does not remove the need for SCC to be satisfied that the parent's proposed EHE is suitable for the child's special educational needs.

In the event of parental non-engagement in the EHCP process, or if the EHE team has any concerns about whether provision in place is meeting a child's needs, a multi-professional meeting will be called to consider what actions need to be taken and the EHE panel will consider if this falls within their duty to begin a formal process. Each case will be considered on its own merit.

### **Procedural Guidance**

More detailed guidance can be found in the *Suffolk County Council Elective Home Education Procedures* document. It is strongly recommended that the policy and procedures documents should be read alongside each other.

### **Review**

SCC will review this policy and practice in relation to EHE annually.

### **Contact details**

For enquiries relating to this policy, please contact the EHE team at [ehe@suffolk.gov.uk](mailto:ehe@suffolk.gov.uk)

Further information can be found on the Elective Home Education page of Suffolk County Council's website <https://www.suffolk.gov.uk>