

**Leicestershire County Council**  
**Inclusion Service**  
**Elective Home Education (EHE)**  
**Policy**  
**Status: Final**

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# Document Control

## Control Details

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## Document Amendment Record

Issue	Amendment Detail	Author	Date	Approved
	Reviewed by Inclusion Service Manager (BC) and Pathway Manager (FS)	BC/ FS	03/08/21	
	Removal of reference to the Gifted & Talented programme which has now ceased.	BC/ FS	03/08/21	
	Confirmation of route to removal from the admissions register from JT – use of B2B or via Inclusion who will update Capita	JT	04/08/21	
	Insert notification form for removal of pupil from school register – Appendix A	NC	04/08/21	
	Reviewed by LCC Court Team – amendments made as per advice	LF	14/09/21	
	Added reference to Gillick competency when gaining the voice of the child as recommended by Tom Common	TC	17/11/21	
	References to Court Team amended to Attendance Team Procedure for referring schools updated	BC	29/11/23	
	Amendments made to clarify which Acts are referred to.	BC	16/04/2024	

# 1. Introduction

**Parents** - In this policy, unless the context otherwise requires, “parent”, in relation to a child or young person, includes any person—

(a) all biological parents whether they are married or not

(b) any person who, although not a biological parent, has parental responsibility for a child or young person – this could be an adoptive parent, a step-parent, a guardian or other relative(c) any person

who, although they are not a biological parent and do not have parental responsibility, has care of a child or young person

1.1 The parents of all children of compulsory school age have a duty, under [Section 7](#) of the Education Act, 1996, to ensure that their child receives efficient full-time education suitable:

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

(b) to any special educational needs they may have, either by regular attendance at school or otherwise.

Elective home education is a term used to describe a choice by parents to provide education for their children at home or in some other way they desire, instead of sending them to school full-time. This is different to education provided by a local authority other than at a school, for example for children who are too ill to attend school.

1.2. There are many reasons why a parent may choose Elective Home Education for their child, for example:

- A parents’ desire for a closer relationship with their children
- A parents’ desire to pursue an alternative form of education
- The distance or access to the local school
- Religious or cultural beliefs
- Philosophical or ideological views
- Dissatisfaction with the educational system
- Bullying of a child at school
- Health reasons
- As a short-term intervention for a particular reason
- Their child’s unwillingness or inability to go to school
- Their child’s special educational needs (SEN) or disability and a perceived lack of suitable provision in the school system for those needs
- Parents’ inability to secure a place in their preferred school
- Their child’s special talent

This above list is not exhaustive.

1.3 Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other stage up to the end of compulsory school age.

1.4 Elective Home Education should not be confused with Home Tuition or home schooling. While being home-schooled or receiving home tuition, children remain on their school roll and receive a combination of support from schools, online learning resources, and other resources parents may have provided themselves. Home schooling and home tuition in this instance is different to elective home education, which is where parents choose to remove their child from the school roll.

## 2. Legislation Relating to Elective Home Education

- 2.1 Identification of children who have never attended school and may be home educated forms a significant element of fulfilling an authority's statutory duty under [Section 436A of the Education Act 1996](#) - to make arrangements to enable the authority to establish, so far as it is possible to do so, the identities of children in its area who are not receiving a suitable education.

The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than at school (for example, at home, or in alternative provision).

Until a local authority is satisfied that a home-educated child is receiving a suitable full-time education, then a child being educated at home is potentially in scope of this duty. The Department of Education's [Children Missing Education](#), 2016 statutory guidance for local authorities applies.

However, this will not be taken as implying that it is the responsibility of parents under s.436A to 'prove' that education at home is suitable. A proportionate approach will be taken.

*Local authorities should be clear that maintaining such oversight is a legitimate part of their overall responsibilities towards the children living in their area (for example as set out in [Section 13A](#) of the Education Act 1996) and act accordingly: A local authority in England must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so) exercised by the authority with a view to — (a) promoting high standards, (b) ensuring fair access to opportunity for education and training, and (c) promoting the fulfilment of learning potential by every person to whom this subsection applies. In this context, relevant education functions include those under sections 436A to 447 of the Education Act 1996 and the authority should act accordingly.*

Elective Home Education: departmental guidance for local authorities

- 2.2 Local authorities may encourage parents to inform them directly of the withdrawal of a child from school but have no legal right to insist that parents do so. The only exception to this is where the child is attending a special school under arrangements made by the local authority, in which case additional permission is required from the authority before the child's name can be removed from the register.

*Leicestershire County Council has a duty to try to ensure that all children in the area are receiving a suitable education. There are a minority of pupils who do not attend school and who may not be receiving any education. For this reason, we have to contact parents of any children or young people who we become aware of who are not in school. In the majority of cases, they are receiving an education at home and we are able to satisfy this duty.*

*If parents feel that they would like their child to go to school, but there are barriers to this, we will work with the family to see if we can help to remove those barriers.*

*If the duty is satisfied, and parents have chosen to educate at home, we will only contact parents in the following circumstances:*

- *An annual contact to satisfy the duty*
- *To invite parents to home education events*
- *To provide an update of our Local Offer, health, or additional support offers*

*The local authority has to act if we receive a complaint or are given cause to believe that a child is no longer receiving a suitable education. We will handle any such actions in a sensitive manner. If a parent informs a special school that they wish to withdraw their child, the school must notify the SEN Case Manager and Inclusion Service. A joint meeting will be arranged with the Education Officer to discuss the suitability of this before the child can be withdrawn from the school roll.*

2.3 [Article 2 of Protocol 1 of the European Convention on Human Rights](#) states that:

*No person shall be denied the right to an 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 is in conformity with their own religious and philosophical conviction.*

*[B.N and S.N v Sweden No 17678/91]*

2.4 [Section 7 of the 1996 Education Act](#) 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.'*

This must be achieved either by regular attendance at school or otherwise.

2.5 A further statutory duty exists, which requires the local authority to intervene if it appears to the local authority that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, which includes elective home education, then they must begin procedures for issuing a School Attendance Order, [Section 437](#) of the Education Act, 1996

## 3. Responsibilities of the parent

3.1 The parents of all children of compulsory school age have a duty, under [Section 7](#) of the Education Act, 1996, to ensure that their child receives efficient full-time education suitable:

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

(b) to any special educational needs they may have, either by regular attendance at school or otherwise.

An 'efficient and suitable education' is

- An efficient education - achieves that which it sets out to achieve,
- A suitable education must be age-appropriate, enable the child to make progress according to his or her particular level of ability, and should take account of any specific aptitudes

3.2 The law does not define full-time education; children attending school normally have approximately five hours tuition a day for 190 days a year, usually spread over 38 weeks. However, home education does not have to mirror this. The question of whether education is full time will depend upon the facts of each case.

This measurement of 'contact time' is not relevant to elective home education where there is often almost continuous one-to-one contact and education may take place outside normal 'school hours'. Parents/ carers should enable the local authority to assess the overall time devoted to home education on the basis of the number of hours per week and weeks per year to ensure that the home education meets the requirement to be suitable (as described under Section 7 of the Education Act 1996)

3.3 Parents who choose to follow elective home education must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. Parents are not required to register or seek approval from the local authority to educate their children at home.

Home educating parents are **not** required to:

- Have a timetable
- Set hours during which education will take place
- Observe school hours, days or terms

Refer to [Elective Home Education departmental guidance for parents](#)

There are no legal requirements for you, as parents educating a child at home, to do any of the following:

- acquire special qualifications for the task
- have premises equipped to any particular standard
- aim for the child to acquire any specific qualifications
- teach the national curriculum
- provide a broad and balanced curriculum
- make detailed lesson plans in advance
- give formal lessons
- mark work done by the child
- formally assess progress, or set development objectives
- reproduce school type peer group socialisation

- match school-based, age-specific standards

3.4 Parents and their children might require a period of adjustment before finding their preferred model of learning and families may change their approach over time. Parents are not required to have any qualifications or training to provide their children with a suitable education. It should be noted that parents of all educational, social, racial, religious and ethnic backgrounds successfully educate children outside the school setting and these factors should not in themselves raise a concern about the suitability of the education being provided.

3.5 Parents may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. They will also be responsible for ensuring that those whom they engage are suitable to have access to children. Parents will therefore wish to satisfy themselves by taking up appropriate references, and check that any private tutor has a recent Disclosure and Barring Service (DBS) disclosure certificate and local authorities should encourage them to do this.

*The Inclusion Service will offer a range of advice and support to parents, both those who home educate and those considering doing this which include*

- *Initial support and advice on the requirements of home education either via phone or a home visit – this usually happens within 12 weeks of you or the head teacher telling us about your intent to home educate*
- *Annual reviews to ensure that you are still comfortable and happy with your current arrangements and that the progression your child is having is in line with their age and ability, and that this can be seen within their education plan*
- *Where education is not meeting the child's needs, we offer support to help you improve the learning and, if required, will help you to look at other options around education*
- *We can provide updates on new government guidelines*
- *Signposting to additional support services and support groups where needed*

3.6 Parents' education provision will reflect a diversity of approaches and interests. Some parents may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that reflects school hours and terms. Other parents may decide to make more informal provision that is responsive to the developing interests of their child. One approach is not necessarily any more efficient or effective than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, local authorities should not specify a curriculum or approach which parents must follow. Children learn in different ways and at different times and speeds.



## 4. Duties and responsibilities of the Local Authority

- 4.1 Leicestershire County Council Inclusion Service has Education Officers who take the lead role in determining the suitability of elective home education provision and providing advice and support to parents/carers.
- 4.2 The Education Officers are open to other ideas that parents/carers or children provide as evidence of learning. The Education Officers will monitor a child's progress over time and provide advice to parents/carers regarding ways of demonstrating progress over time.

The Education Officers may advise parents/carers of national curriculum standards so that if parents/carers wish their children to go to school at a later stage, they will not be disadvantaged. Education Officers can also signpost parents/ carers to post 16 opportunities available to young people.

The Education Officers can be contacted via:

Inclusion Service  
Room 600  
County Hall  
Glenfield  
Leicester  
LE3 8RF

0116 305 2071

[inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk)

With increased remote working within the team, contact via email or telephone will generally lead to a quicker response than contact via post.

*The Education Officer will ask parents to provide evidence that the education is suitable and efficient. This may be provided by written or digital evidence, by a face to face or on-line meeting, or phone call with the family.*

*The Officer would expect evidence of:*

- *consistent involvement of parents or other significant carers*
- *recognition of the child's needs, attitudes and aspirations*
- *opportunities for the child to be stimulated by their learning experiences*
- *access to resources/materials required to provide home education for the child - such as paper and pens, books and libraries, arts and crafts materials*
- *physical activity*
- *ICT/computing*
- *opportunity for appropriate interaction with other children and other adults*

*(This is not intended to be an exhaustive list)*

*If the Education Officer isn't satisfied that the education is suitable and efficient, they will ask for more evidence before completing a written report of the findings. The report will specify the grounds for concern and any reasons for concluding that provision is unsuitable. This will be shared with parents and they will be given an opportunity to address the identified concerns and report back to the authority.*

*We will always aim to work with you to offer support and guidance of ways to improve your child's education.*

*If the concerns have not been addressed appropriately, or the parents do not contact the authority within an agreed time period, the Inclusion Service will be required to inform the Attendance Team who may send a formal notice to the parents under [section 437 of the Education Act \(1996\)](#). This notice will take the form of a School Attendance Order.*

## 5. The role of the Attendance Team

- 5.1 The Education Officer will advise the parent that it may be deemed necessary for the child to return to a school if it is not possible to establish whether the education being provided is suitable. If the education provided is deemed not to be evidenced as suitable and advice and support offered has not addressed concerns a referral will be made by the Education Officer to the Attendance Team.
- 5.2 If it becomes apparent that the family is not intending to secure a school place for their child and are not providing a suitable education at home they could be served with a Notice, stating that they are failing in their duty to provide their child with education. The Notice must inform them that they must satisfy the Local Authority that they are providing an education at school or otherwise within a specified time period (but not less than 15 days beginning with the day the notice was served). If no evidence is received within the 15 day period, the Local Authority is entitled to conclude that the child is not in receipt of a suitable education. Where appropriate evidence that a suitable education is being provided is received by the Local Authority, the process is ceased and the child's case is passed to the Inclusion Service.
- 5.3 Upon expiry of the Notice the Local Authority will write to the parent/carer referring them to the Notice and informing them of the authority's intention to serve a School Attendance Order (SAO). The Local Authority should inform the parent/carer of schools that are suitable for the child to attend and should also inform the parent/carer that they have the right to continue to educate their child at home if they can provide evidence that it is suitable. The parent/carer should be told that they have 15 days in which to take action or the Local Authority will proceed to make an SAO.
- 5.4 If the 15 days expire without the parent/carer registering their child at a school or providing suitable evidence then the local authority should issue an SAO (School Attendance Order). The SAO should specify which school the child should attend and inform the parent/carer that they have 15 days to comply.
- 5.5 If a parent/carer, on whom an SAO has been served, fails to comply with the requirements of the SAO they are guilty of an offence under [Section 443](#) of the Education Act 1996, unless they prove that the child is receiving a suitable education otherwise than at school. Proceedings can be initiated at the Magistrates Court and parents can be issued with a fine.
- 5.6 At any stage following the issue of the SAO, parents/carers may present evidence to the Local Authority that they are now providing an appropriate education and apply to have the SAO revoked.  
[\(s175\(1\) Education Act 2002\)](#)

## 6. Responsibilities of schools and agencies

- 6.1 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 absences and use the other support options available to them (refer to the Pupils Missing Out on Education Policy, found [here](#)).
- 6.2 The DfE expects schools and other professionals to engage with Local Authorities (The Inclusion Service) where a parent is considering withdrawing their child from school for Elective Home Education **before** the child's name is removed from the school roll. This will enable us to ensure that parents are fully aware of their responsibilities in undertaking elective home education and have fully considered what is in the best interests of the child. A robust meeting between the parents/ carers and school ahead of the child being withdrawn from the school roll should take place, if the parent agrees to this, with the parent confirming that they are choosing to electively home educate instead. The parents should be advised of their responsibilities when opting to Electively Home Educate their child. The DfE strongly recommend that Local Authorities work with schools, parents and carers, and other key professionals (such as social workers) to co-ordinate a meeting before the parent makes a final decision, in order to ensure the parent fully considers what is in the best interests of each individual child. This is particularly important where vulnerable children, children with a social worker, and those at greatest risk are involved. Local Authorities often only become aware of a child who is electively home educated once the name has been removed from the school roll. Local Authorities are reminded that they must not instruct schools to keep a child on their roll to enable them to carry out their checks.
- 6.3 Once a meeting has been held, if the parent consents to this and the parent has confirmed to the school that they will be continuing to home educate the school must make a referral to The Inclusion Service. On the referral form the school should indicate whether they have engaged the parent in a conversation about their responsibilities when electively home educating. The school should also record any concerns that they have about the parents' intention to electively home educate. The Information and Support Coordinator will then prioritise that referral for processing and a visit from the Education Officer (where parents consent to this) to ensure that the education being provided is assessed swiftly. **The school must** confirm to the Inclusion Service of the intent to delete the child's name from their admissions register upon receipt of written notification from the parents that the pupil is receiving education otherwise than at school using the templated referral form, found [here](#).
- Schools must make a return following confirmation from the Inclusion Service (giving the child's name, address and the ground upon which their name is to be deleted from the register) to the local authority **as soon as the ground for deletion is met**, and no later than deleting the pupil's name from the register. This should be completed by using Orchestra- or, for those schools who do not use Orchestra, by contacting [inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk) confirming the agreed date for deletion from the admissions register using the templated Notification Form found in Appendix A of this policy. They should also copy parents into the formal notice to the local authority.
- 6.4 If a child attends a special school, and this was arranged by the local authority, the permission of the local authority must be obtained before the child's name can be removed from the admission register. If the local authority refuses to give consent, the parent can ask the Secretary of State to settle the issue.

The Inclusion Service must liaise with the SENA Review Team to look at the child's case in reaching their decision. This should not be a lengthy or complex process and LA consent to remove the child from roll must not be withheld unreasonably. If the child is to be withdrawn to be educated at home then the local authority, in deciding whether to give consent, should consider whether the home education to be provided would meet the special educational needs of the child, and if it would, should give consent. However, that consideration should 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.

- 6.5 Child Protection information on any children who are removed from roll must be stored securely by the child's last school. Where the child is placed on the roll of a new school, the information must be copied and sent securely under separate cover by the child's last school to any new school/college whilst the child is still under statutory school age (i.e. the information does not need to be sent to a university for example).
- 6.6 Where a child being removed from roll is known to Children's Social Care or other agencies who are supporting the family, The Inclusion Service shall inform the relevant professionals that the child has been removed from the roll of a school and is being electively home educated.

*Schools should inform Inclusion Services by e-mailing [inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk) and password protect the document(s) or alternatively, by using secure email (e.g. Egress).*

- *Special schools must notify the Local Authority of any parent wishing to educate at home and wait for agreement from the Local Authority **before** removing the pupil from roll*
- *Other agencies should inform the Inclusion Service of any children they are aware of, who are of compulsory school age who are not attending school (children missing education). They can be contacted by secure email [inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk)*

## 7. Complaints and Concerns

- 7.1 The Local Authority's primary interest lies in the suitability of parents' education provision and not their reason for doing so. Local Authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, under [Section 437\(1\)](#) of the Education Act 1996, Local Authorities shall intervene **if it appears** that parents are not providing a suitable education.

This section states that:

*“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.”*

[Section 437\(2\)](#) of the Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

- 7.2 Prior to serving a notice under section 437(1), Local Authorities are encouraged to address the situation informally. The most obvious course of action if the Local Authority has information that makes it appear that parents are not providing a suitable education, would be to ask parents for further information about the education they are providing. Such a request is not the same as a notice under section 437(1) and is not necessarily a precursor for formal procedures. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so.
- 7.3 Where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision being made. Where the Local Authority is not able to visit a home, we will, in the vast majority of cases, discuss and evaluate the parents' educational provision by alternative means. If parents choose not to meet, parents may be asked to provide evidence that they are providing a suitable education.
- 7.4 Parents might prefer, for example, to write a report, provide samples of work, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form. The information may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.
- 7.5 A School Attendance Order (SAO) may be served after all reasonable steps have been taken to try to resolve the situation if the parent fails to satisfy the Local Authority that the child is receiving suitable education *and* it is expedient that the child shall attend school. An Order remains in force as long as the child is of compulsory school age unless amended by the Local Authority or revoked.

*Where a concern is raised regarding unsuitable education, we will try to deal with it sensitively to ascertain whether there is a genuine issue or not. If there is an issue, we would try to support the parents wherever possible to meet the Government criteria for a suitable education. We would only issue an attendance order if all other strategies had failed and it was clear that the parents were not able, at that time, to provide an efficient and suitable education.*

*Our first step would be to arrange an informal meeting at a mutually acceptable location to address any specific concerns and to give the parents the opportunity to provide any further information as to how they are providing a suitable education. We would like the child to be given the opportunity to attend, but if they didn't wish to, or it was inappropriate, we would like them to have the opportunity to express their views. We would then consider and agree*

*what future contact there will be between us, recognising that in many instances such contact might be beneficial but is not legally required.*

*We would only send a formal letter requesting further information if it still appeared to the authority that the child was not receiving a suitable and efficient education. A written report would be made after such contact and copied to the parents stating whether the authority has any concerns about the education provision and specifying what these are, to give the child's parents an opportunity to address them. Where concerns about the suitability of the education being provided for the child have been identified, more frequent contact may be required while those concerns are being addressed. Where concerns merit frequent contact, we would discuss them with the child's parents, with a view to helping them provide a suitable education that meets the best interests of the child.*

7.6 If you have a complaint about our services please refer to our Complaints Policy, [found here](#)

## 8. Monitoring the Arrangements

### **HIGH PRIORITY**

*A child or young person who is electively home educated is deemed high priority when:*

- 1) A child has an Education, Health and Care Plan (EHCP) or has been referred into the S.E.N. process.*
- 2) There are safeguarding concerns*
- 3) The education being provided is neither 'suitable' or 'efficient'*
- 4) There is a refusal to engage with the local authority in any shape or form, therefore the suitability of the education cannot be confirmed*

### **PENDING**

*A child or young person who is electively home educated is deemed to be pending:*

*When a child becomes newly home educated, or is recently known to the local authority, there is an agreed introductory period of approximately 12 weeks before a visit is made by the Education Officer*



## 9. Other relevant legislation for Local Authorities

- 9.1 Local Authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states:

*"A local education authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children."*

However, Local Authorities do **not** have powers to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education.

- 9.2 Section 7 of the Department for Education's guidance for local authorities in regard to [Elective Home Education](#) advises that '*unsuitable or inadequate education can impair a child's intellectual, emotional, social and behavioural development and may therefore bring child protection duties into play*'

- 9.3 As with school educated children, child protection issues may arise in relation to home educated children. If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns should immediately be referred to the appropriate authorities using established protocols. Inclusion Service staff will maintain due diligence in regard to safeguarding duties and responsibilities and will follow safeguarding procedures as set out by [Leicestershire and Rutland Safeguarding Children Partnership \(LRSCP\)](#)

- 9.4 When a child becomes Electively Home Educated the Inclusion Service will engage with partner agencies to ensure that any support requirements are tailored to the needs of the child. With the consent of the parent, a referral to Early Help services may be offered to provide support for social engagement and to help resolve issues which may have arisen from experiences of bullying

- 9.5 Section 175 of the Education Act, 2002 sets out the functions of the Local Authority to safeguard children. Sections 10 and 11 of the Children Act 2004 give local authorities general duties for promoting the well-being and (in relation to their non-education functions) safeguarding and promoting the welfare of children in their areas. This includes children educated at home as well as those attending school. However, such powers **do not** bestow on Local Authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.

- 9.6 Section 53 of the 2004 Act sets out the duty on Local Authorities to, where reasonably practicable, take into account the child's wishes and feelings with regard to the provision of services. Section 53 does not extend local authorities' functions. It **does not**, for example, place an obligation on local authorities to ascertain the child's wishes about elective home education as it is not a service provided by the Local Authority.

*The Inclusion Service and The Attendance Team will refer any safeguarding concerns, should they occur, to the [First Response Central Duty Team](#)*

- 9.7 The Department for Education (DfE) recommends 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 information should be made available on local authority websites and in local community languages and alternative formats on request.

- 9.8 Any procedures for dealing with home educating parents and children should be fair, clear, consistent, non-intrusive and timely in order to provide a good foundation for the development of trusting relationships.
- 9.9 The DfE recommends that each Local Authority should have a named senior officer with responsibility for elective home education policy and procedures. This officer should be familiar with home education law, policies and practices. Local Authorities should organise training on the law and home education methods for all their officers who have contact with home educating families.

*The Service Manager for the Inclusion Services is the named officer for Leicestershire and contact details for the team can be found on the County Council's web pages; <https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/inclusion-service>*

*Training is delivered within the team and regular meetings are held for any staff who may have an involvement with families who are home educating.*

*Leicestershire County Council is a member of the Association of Elective Home Education Professionals (AEHEP) and the Midlands Elective Home Education Forum (MEHEF).*

*The Team can be contacted at [inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk)*

- 9.10 Leicestershire County Council Children and Family Services will, wherever possible, try to gain the 'voice' of the child or young person when discussing their education. Practitioners will consider several things when assessing a child's ability to discuss and develop their educational plans. Practitioners will often refer to 'Gillick competency' as their benchmark to assess this. Further information about Gillick competency can be found [here](#)

## 10. Raising the participation age

- 10.1 The Government has changed the law so that from 2015, all young people are required to continue in education or training until the end of the academic year in which they turn 18
- 10.2 For these young people above statutory school age who are being home educated, no hourly requirement of education applies: the amount and content of that education is at the discretion of the home educator. In most circumstances it will be the young person themselves who states that they are home-educated. If the authority believes there is some doubt in the matter they may wish to seek confirmation of this from the parent or guardian, but no on-going formal monitoring of the education is required.

*Home educated young people may be sent a letter during the year in which they turn 16, signposting them to the [Inclusion Service EET](#) (Education, Employment & Training) Team if their future plans are unknown. This could provide the opportunity to arrange impartial careers guidance which will provide them with information, advice and guidance on post-16 learning options. If young people are choosing not to continue with home education post-16 the Inclusion Service will ensure that they can access an offer of a further learning place in line with raising of the participation age requirements.*

[https://assets.publishing.service.gov.uk/media/660e971663b7f8001fde187f/Participation\\_of\\_young\\_people\\_in\\_education\\_\\_employment\\_or\\_training.pdf](https://assets.publishing.service.gov.uk/media/660e971663b7f8001fde187f/Participation_of_young_people_in_education__employment_or_training.pdf)[SEND Code of Practice](#)

# 11. Children with special educational needs (SEN)

- 11.1 Parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has an Education, Health and Care Plan (EHCP) or not. Where a child has an EHC plan and is home educated, it remains the Local Authority's duty to ensure that the child's needs are met. The SENA Service carry out this duty through the annual review process in partnership with the Inclusion Service (who carry out their statutory duties to check that the education in place is suitable and efficient on an annual basis).
- 11.2 Local Authorities must have regard to the Special Educational Needs Code of Practice 2015 ("the Code") . Paragraphs 10.30 - 10.38 of the Code provides guidance regarding children and young people with SEN educated at home. The Code emphasises the importance of Local Authorities and other providers working in partnership with parents. The Code is statutory guidance and schools, Local Authorities and others to whom it applies, must have regard to it.  
Practice
- 11.3 If the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making "suitable arrangements", and the authority could not conclude that it was absolved of their responsibility to arrange the provision in an EHC plan. Parents need only provide an efficient, full-time education suitable to the age, ability and aptitude and to any special educational needs the child may have as defined in Section 7 of the Education Act 1996. It is the authority's duty to arrange the provision specified in an EHC plan unless the child's parent has made suitable provision, for as long as an EHC plan is maintained. In some cases a combination of provision by parents and the Local Authority may best meet the child's needs.. Where the home education is suitable, the local authority has no duty to arrange any special educational provision for the child; the plan should simply set out the type of special educational provision that the authority thinks the child requires but it should state in a suitable place that parents have made their own arrangements under s.7 of the Education Act 1996.
- 11.4 Even if the Local Authority is satisfied that parents are making suitable arrangements, it remains under a duty to maintain an EHC plan and review it annually, following procedures set out in chapter 9 of the SEN Code of Practice. In some circumstances the child's special educational needs identified in an EHC plan will have been related to the school setting and the child's needs may readily be met at home by the parents without Local Authority supervision. It may be appropriate, once it is established that a child's special needs are being met without any additional support from the Local Authority, to consider ceasing to maintain an EHC plan. This may be done at the annual review or at any other time. Where an EHC plan is reviewed it should be made clear to parents that they are welcome to attend, but they are not obliged to do so.
- 11.5 Where the Local Authority is satisfied that the child's parents have made suitable arrangements it does not have to name a school in part 4 of the child's EHC plan. There should be discussion between the authority and the parents and rather than the name of the school, part 4 of an EHC plan should mention the type of school the Local Authority considers appropriate and that 'parents have made their own arrangements under section 7 of the Education Act 1996'.
- 11.6 An EHC plan should also specify any provision that the Local Authority has agreed to make under [Section 319](#) of the Education Act 1996 to help parents to provide suitable education for their child at home. If the child who is to be withdrawn from the school is a pupil at a

special school, the school must inform the local authority before the child's name can be deleted from the school roll and the authority will need to consider whether the elective home education is suitable before amending section I of the child's EHC plan.

- 11.7 A parent who is educating their child at home may ask the Local Authority to carry out a statutory assessment or reassessment of their child's special educational needs and the Local Authority must consider the request within the same statutory timescales and in the same way as for all other requests. Local Authorities should provide information to home educators detailing the process of assessment and both Local Authorities' and home educators' responsibilities with regard to provision should the child be given an EHC plan. The views of the designated medical officer for SEN should be sought by the local authority where a child with an EHC plan is educated at home because of difficulties related to health needs or a disability.

### ***Special Educational Needs***

*If a child has an EHC plan and the parent/carer elects to home educate, the parent should be encouraged to have a joint meeting with the school, SEN Case Manager and the Education Officer, to offer advice and guidance and assess whether the education that is being or will be provided is 'suitable and efficient' and that the child's needs are being met. If a child with a an EHC plan is on the roll of a special school then the meeting will be carried out along with a senior leader from the special school. The education professionals will need to be satisfied that the education is suitable before the child can be removed from the school roll and an EHC plan is amended accordingly.*

## 12. Gypsy, Roma and Traveller children

- 12.1 Local Authorities should have an understanding of, and be sensitive to, the distinct ethos and needs of Gypsy, Roma and Traveller communities. It is important that these families who are electively home educating are treated in the same way as any other families. Home education should not necessarily be regarded as less appropriate than in other communities.
- 12.2 When a Gypsy, Roma and Traveller family with children of school age move into an area, they are strongly encouraged to contact the Multi Agency Traveller Team (MATU) for advice and help to access local educational settings.

*You can contact the Multi Agency Traveller Unit via [multiagencytravellersunit@leics.gov.uk](mailto:multiagencytravellersunit@leics.gov.uk) or visit the web pages [here](#)*

*Who will:*

- *Make initial contact with families and offer support for joint visits*
- *Liaise between families and local services, e.g. education, social care and housing*
- *Offer advice and guidance on Elective Home Education procedures*
- *Facilitate school admissions if needed*
- *Liaise with previous local authorities in which families have been residing*

## 13. Reviewing policies and procedures

- 14.1 Local Authorities should review all of their procedures and practices in relation to elective home education on a regular basis to see if improvements can be made to further develop relationships and meet the needs of children and parents. Home education organisations and home educating parents should be involved in this process of review. Effective reviews, together with the sensitive handling of any complaints, will help to secure effective partnership.
- 14.2 Local Authorities should bear in mind that Ofsted report on the way Local Authorities cater for elective home educating families within their areas. Local Authorities should keep home educators and home education support organisations informed of the policies and procedures of Ofsted reviews and any input they will have.

*We are constantly reflecting and evaluating our procedures and practices and will formally review them every two years. We also welcome feedback from parents and their children who have been home educated and will also request feedback at Elective Home Education events.*

## 14. Supporting Guidance, Documents and Legislation

<b>Links</b>
<a href="#">Education Act, 1996</a>
<a href="#">Elective Home Education, Guidance for Local Authorities</a> , 2019
<a href="#">Elective Home Education, Guidance for Parents</a> , 2019
<a href="#">Children Missing Education, Guidance for Local Authorities</a> , 2016
<a href="#">Childrens Act</a> , 1989
<a href="#">Childrens Act</a> , 2004 Sections 10 & 11
<a href="#">SEND Code of Practice</a> 2015
<a href="#">Leicestershire County Council Inclusion Service Website</a>
<a href="#">Leicestershire County Council Pupils Missing Out of Education Policy</a>
<a href="#">Leicestershire County Council Pupil Services Attendance Team</a>
<a href="#">Leicestershire County Council Children Missing Education Policy</a>
<a href="#">Leicestershire County Council Inclusion Service Referral Form</a>
<a href="#">Leicester, Leicestershire and Rutland Safeguarding Children's Board</a>



# 15. Contact Us

To discuss Elective Home Education, contact:

## **Inclusion Service**



Tel: 0116 305 2071



Email: [inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk)

For independent advice or support contact SENDIASS (Special Educational Needs and Disabilities Advice and Support Service):

## **SENDIASS**



Tel: 0116 305 5614



Email: [sendiass@leics.gov.uk](mailto:sendiass@leics.gov.uk)

To discuss home educating your child with an EHCP, contact:

## **SENA Service**



Tel: 0116 305 6600



Email: [senaservice@leics.gov.uk](mailto:senaservice@leics.gov.uk)

To report a concern about a child, contact:

## **First Response Children's Duty**



Tel: 0116 305 0005



Web page, multi-agency referral form found [here](#)

# 16. Appendix A – Notification of removal from the school register

## Notification of Removal From a School Register

*For use by schools and settings that do not have access to Orchestra*

Submit completed form to the local authority Inclusion Service via AnyComms+ or Egress secure email [inclusionpupilsupport@leics.gov.uk](mailto:inclusionpupilsupport@leics.gov.uk) using the subject header **Removal from the School Register Notification**

Education Provision Details	
School/ Academy Name:	
URN:	DfE No:
Contact Name:	Contact No:
Email:	Date notification sent to Local Authority:
Date of admission to school/ setting:	Date pupil last attended school/ setting:
Date removed from school register:	Written notification received from parent?
	Yes/ No (please attach)

Pupil Details	
Pupil Name (include any 'known as' names):	Date Of Birth:
UPN:	NYC:
Ethnicity:	Has this pupil previously been LAC?
	Yes/ No
Home Address (where the pupil usually resides):	Parent/ Carer Names (specify who has PR):
	Mother: Father: Carer: Other (please specify relationship):
Any other address the child may spend part of the week at (in cases of separated families):	Contact telephone numbers:
	Mother: Father: Carer: Other (please specify relationship):
SEND:	Email address:
SEN Support Plan: Yes/ No	Mother:
	Father:
EHCP: Yes/ No	Carer:
	Other (please specify relationship):
SEN Intervention (Top Up Funding: Yes/ No	

New Details	
Child's new address:	
Child's new school:	

Address of new school:	
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<b>Reasons for Removal from School Register</b>	
Annex A Regulation number used (see below for reference):	
Brief explanation for reason for removal:	

For further advice or guidance please contact the Inclusion Service  
via **Tel: 0116 305 2071**

<i>Local Authority Use Only</i>	
<i>Date Notification received:</i>	
<i>Received by (name):</i>	
<i>Date Capita updated:</i>	

## Annex A: Grounds for deleting a pupil from the school admission register

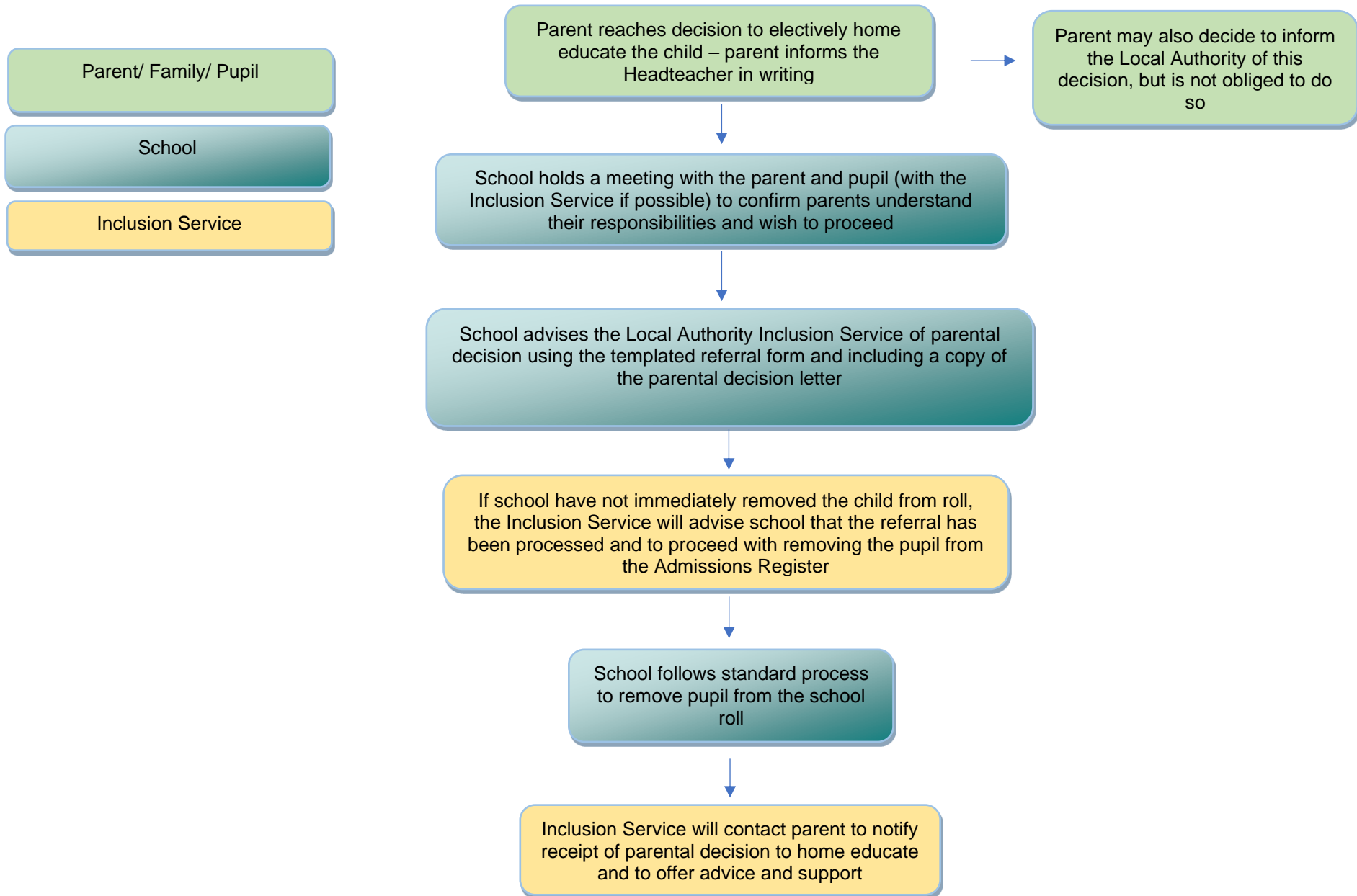
**Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended**

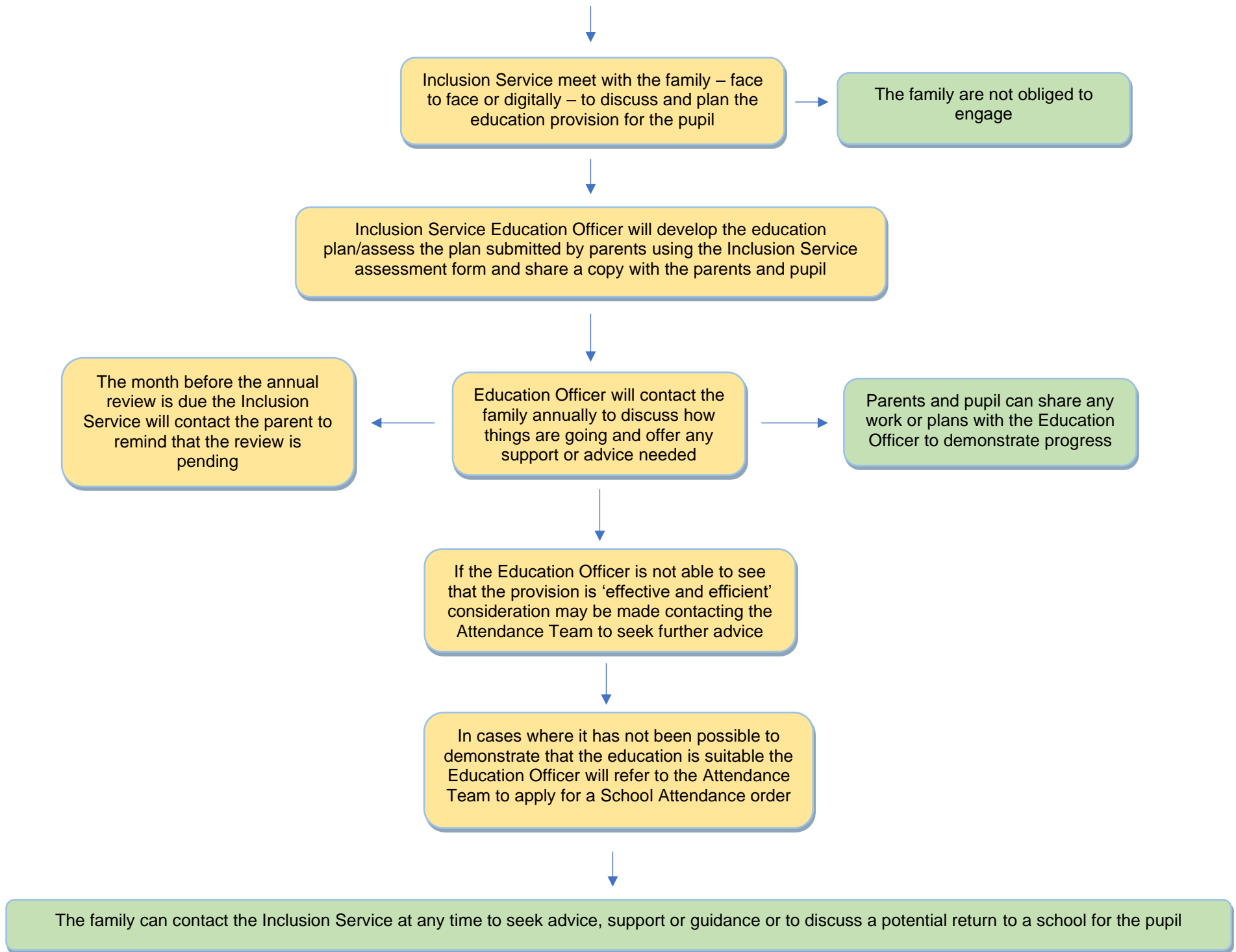
<b>1</b>	8(1)(a) - where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school.
<b>2</b>	8(1)(b) - except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school.
<b>3</b>	8(1)(c) - where a pupil is registered at more than one school, and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion.
<b>4</b>	8(1)(d) - in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school.

5	8(1)(e) - except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered.
6	8(1)(f) - in the case of a pupil granted leave of absence in accordance with regulation 7(1A), that — (i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.
7	8(1)(g) - that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age.
8	8(1)(h) - that he has been continuously absent from the school for a period of not less than twenty school days and — (i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2); (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor of the school and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.
9	8(1)(i) - that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.
10	8(1)( j) - that the pupil has died.
11	8(1)(k) - that the pupil will cease to be of compulsory school age before the school next meets and— (i) the relevant person has indicated that the pupil will cease to attend the school; or (ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.
12	8(1)(l) - in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school.
13	8(1)(m) - that he has been permanently excluded from the school.
14	8(1)(n) - where the pupil has been admitted to the school to receive nursery education, that he has not on completing such education transferred to a reception, or higher, class at the school.

<b>15</b>	8(1)(o) where - (i) the pupil is a boarder at a maintained school or an Academy; (ii) charges for board and lodging are payable by the parent of the pupil; and (iii) those charges remain unpaid by the pupil's parent at the end of the school term to which they relate.
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# Flow Chart 1 – Referral to Inclusion Service





## Flow Chart 2 – Referral to Attendance Team

