

Elective Home Education (EHE) Policy

INTRODUCTION

This document will act as a clear guide that will be disseminated to all, providers, and frontline staff. This will also be published on our Local Offer website, defining our joint arrangements for monitoring EHE. This will serve to improve communication and transparency with professionals, parents, carers and children and young people in EHE.

A clear standard operational procedure will support the local objectives of ensuring that front-line staff understand and find our EHE process easy to navigate, and in turn make it easier for parents to navigate the process.

This policy has been written with due regard to the DfE document, Elective Home Education:

Departmental Guidance for Local Authorities, April 2019 and Elective Home Education: guidance for Parents, April 2019, DfE School Admissions Code 2021, DfE School Admissions Appeals Code 2022 and Children's Wellbeing and Schools Bill 2024.

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Section 1: AIM

1. This policy has been written with due regard to the DfE document, Elective Home Education: Departmental Guidance for Local Authorities, April 2019 and Elective Home Education: guidance for parents (April 2019). The policy document sets out:
 - An overview of the legal responsibilities and expectations of all those who elect to take full and financial responsibility for the education of their child.
 - Procedures for identifying all children who are being electively home educated.
 - The safeguarding procedures in place to ensure that electively home educated children are not at risk of abuse, neglect, or exploitation and which help us to ensure that the rights of the child/young person are protected.
2. The policy applies to those children whose parents have chosen to educate their children otherwise than at school. We aim to review this policy every year or following changes to legislation or Government guidance.
3. This policy outlines parents' rights to educate their children at home and details the responsibilities and legal duties of parents, schools, and Derby City Council in relation to Elective Home Education (EHE).
4. Section 7 of the Education Act 1996 requires the parents of every child of compulsory school age to ensure that their child receives suitable full-time education. Most parents meet this duty by sending their children to school, but some families choose to provide an education within their home, as is their parental right. The Department for Education refers to this as Elective Home Education (EHE). Elective home education (EHE) is a term used to describe a choice by parents to provide full-time, suitable education for their children at home - or at home or otherwise - instead of sending them to school. EHE would not include education provided by the Local Authority (LA) otherwise than at a school - for example, tuition for children who are too ill to attend school. EHE is different to flexi-schooling arrangements, which are arranged and agreed at the discretion of the headteacher of the child's school as pupils remain on the school registration roll. EHE is different from 'home-schooling' or 'remote learning' (e.g. during the pandemic), when learning materials and online tuition was provided by the school.
5. Derby City Council has a duty under section 436A of the Education Act 1996 to make arrangements to identify the children in their area who are not registered pupils at a school

and who are not receiving a suitable education. This duty relates only to children of statutory school age. (Starting school and leaving school) Sections 10 and 11 of The Children Act 2004 places a statutory duty on all LAs to cooperate with each other, to improve the safety and wellbeing of children resident within their area.

6. The principles The Children's Welfare and Schools Bill 2024 underpin this policy and there is an expectation that all agencies and professionals will work together and with parents to ensure that all children are kept safe and receive an appropriate education.

Section 2: The role of the Parent and Elective Home Education

7. We understand that there are many reasons why a parent may choose EHE as a pathway for their child and we aim to work with families and stakeholders by recognising rights, responsibilities, and roles of all parties.
8. Throughout this policy, 'parents' should be taken to include all those with parental responsibility, including guardians and care givers.
9. Under section 7 of the Education Act 1996 the parent of every child of compulsory school age is responsible for ensuring that their child receives an efficient full-time education suitable to their age, ability, and aptitude and to any special educational needs they may have either by regular attendance at school or otherwise. In England, education is compulsory, but school is not, so parents may lawfully choose to educate their child by EHE.
10. Parents may decide to exercise their right to home educate their child from a very early age and not enrol the child at a school. The LA acknowledges the legal right of parents to educate their children otherwise than at school. The LA recognises that this is a significant commitment, and therefore aims to develop positive and supportive relationships with parents based on trust and mutual respect, working together to ensure the best educational outcomes for the child.
11. They may also elect to home educate at any stage up to the end of statutory school age. A child continues to be of statutory school age until the last Friday of June in the school year that they reach the age of sixteen.
12. Derby City Council believes that every child and young person in receipt of Elective Home Education should have the right to a broad, balanced, and appropriate curriculum experience that is stimulating and challenging and enables them to achieve their full potential.
13. [The Department for Education \(DfE\) Departmental guidance for parents](#) strongly recommends that parents think carefully about EHE before they withdraw their child from a school.
14. The register of children electively home educated comprises of formal notification from schools as well as directly from parents. If parents already educate their children at home and move into Derby City, we ask parents to notify the LA of the following:
 - The child's name, date of birth and address
 - The date that education at home started or will start
 - The name of the last school the child attended along with leaving date.

15. Parents may also contact the EHE Team directly on EHE@derby.gov.uk inbox if they would like further information or advice, and access information sessions at the local Family Hubs.
16. Parents are advised to seek resolutions with educational settings prior to considering EHE.
17. ALL maintained schools and academies within Derby City administrative area will invite parents and other professionals, including SEND officers, support workers and mental health practitioners, if appropriate, to attend a fully supportive Multi-Agency Meeting if they become aware of parent's intentions to EHE.
18. Once notified of home educating, it is expected that parents provide information to the Local Authority in the first instance in the form of an educational philosophy, explaining the reasons for choosing Elective Home Education, the nature of the education being provided and the benefits for their child. Parents will be asked for a progress report after six weeks of home-education outlining how the education being provided for the child is suitable to age, ability, aptitude and Special Educational Needs.
19. If the child is on roll at a specialist provision, named in their education, health, and care plan (EHCP), parents **must** seek approval from the local authority before they are removed from roll.
20. For all children with an EHCP an emergency review will be undertaken when a parent indicates intent to home educate. This will be discussed in more detail through during this multiagency meeting. This is to ensure that the needs and progression of child is known to the parent to enable to plan for suitable home education offer and how the full EHCP will be met.
21. If the child is registered at a school, as a result of a School Attendance Order (SAO), the parent **must** obtain the permission of the local authority on the grounds that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be removed from the school's register and educated at home.
22. For a student returning to a mainstream school where EHE has been deemed unsuitable, the student will be deemed to have been out of education and therefore might be referred to the Fair Access Panel and considered as 'Hard to Place'. Whilst the Fair Access Panel would consider parental preference in naming a school, they are not bound by this and might name a school other than one chosen by parents. For secondary aged children, the school that the child left to become home educated is often considered to be the most appropriate to return to. In accordance with the Fair Access Protocol a child who has been allocated a school place through fair access will be placed on the school roll within 12 school days. If a school is offered to the parent and the parent fails to register the child at the school, the EHE team will follow the attendance regulations and parents may receive formal notice that a School Attendance Order will be served.
23. **Funding for Home Education.** There are no direct funds available from Central Government or from Derby City Council for parents who elect to home educate. Home educating parents

assume the **full** financial and legal responsibility for their child's education. This includes the costs of resources, private tuition, courses, and public examinations and, if required, resources associated with any special educational need.

24. For children where the EHC plan gives the name of a school or type of school where the child will be educated and the parents decide to educate at home, the local authority is not under a duty to make the special educational provision set out in the plan provided it is satisfied that the arrangements made by the parents are suitable.

Section 3: The role of the School and Elective Home Education

25. The following processes take into account the 2024 statutory guidance, "Keeping Children Safe in Education 2024" Part 2, section 179--182 which states:

'Many home educated children have a positive learning experience. We would expect the parents' decision to home educate to be made with their child's best education at the heart of the decision. However, this is not the case for all. Elective home education can mean that some children are not in receipt of suitable education and are less visible to the services that are there to keep them safe and supported in line with their needs'.

'Where a parent/carers has expressed their intention to remove a child from school with a view to educating at home, local authorities, schools, and other key professionals work together to coordinate a meeting with parents/carers where possible. This would be before a final decision has been made, to ensure the parents/carers have considered what is in the best interests of each child. This is particularly important where a child has special educational needs or a disability, and/or has a social worker, and/or is otherwise vulnerable. Where a child has an Education, Health and Care plan local authorities will need to review the plan, working closely with parents and carers.'

26. In accordance with the School Attendance (Pupil Registration) (England) Regulations 2024, a school must make a return to the local authority when a pupil's name is deleted from the admission register.
27. It should be noted that until a child is removed from the school roll (which can only be when one of the trigger points specified in the Education (Pupil Registration) (England) Regulations 2006 as amended is reached, specifically that the child 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'), the parent is at risk of prosecution for not securing attendance at the school even if suitable home education is being provided.
28. Notification by Head Teachers of a Parent's Decision to Electively Home Educate Sections 8(1) (d) and 13(3) of the Education (Pupil Registration) Regulations 2006 places a duty on Head Teachers to inform the LA when a parent notifies them of their decision to home educate. If a parent formally requests the deregistration of their child for EHE the Head Teacher must inform the EHE team electronically by forwarding a copy of the parent deregistration letter to Where a parent is known to be considering home education, it is advised that the school hold a meeting to ensure that the parents are fully aware of their child's needs, current progress and the responsibility for parents when educating their child other than at school; and include wider professionals as appropriate.

29. If the child is on a school roll, then parents **must** notify the Head Teacher in writing or e-mail if they wish to remove their child from roll to EHE.
30. If the child is on roll at a mainstream school the school should then remove the pupil from their roll, but not complete the LA Off Roll Notification Form until the parent has confirmed, following the multiagency meeting, that it remains their intention to EHE or the parent has declined the meeting.
31. Following the meeting, if the parental choice remains to remove the child from roll to EHE the school is responsible for completing the requisite form on the Schools' Information Portal <https://schoolsportal.derby.gov.uk> and submitting it to the Local Authority within the agreed timescale. It is for the Local Authority to determine whether home education is a safe, suitable option and pupils must not be taken off role before confirmation has been sought from the Local Authority.
32. Where a child is on roll at a Special School, parents must contact the SEN Officer within the Local Authority responsible for their child's plan who will arrange the emergency annual review of the plan. A review of the EHCP and placement will take place and the request will be considered by the Local Authority. Parents will be asked to provide what education provision they plan to put in to place to meet the outcomes within the EHC Plan.
33. On agreement for the parent to home - educate, the date of removal from school roll should be the date of the parental written notification.
34. Schools **must not** seek to persuade families to home educate, nor should parents use EHE to solve perceived or continuing problems they may have with a school. 'Off-rolling' is defined by the Department of Education (DfE) as 'the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil'. Where a school is thought to be off rolling, concerns will be shared with relevant bodies as previously described.

Section 4: The Role of the Local Authority and Elective Home Education

35. LAs have a duty under the Education Act 1996 to establish whether home educated children are receiving efficient and suitable full-time education and the DfE Guidance is clear that it would be sensible for parents to respond to LA enquiries.
36. The LA seeks to offer guidance to all known home-educating families who reside in the Derby City area about their rights and obligations and provides advice on good practice and available resources for parents who request it.
37. The LA has a duty to maintain a register of all children known to be electively home educated. On receipt of a notification of EHE following the multiagency meeting
 - The child's name will be placed on the EHE register.

- The LA will offer a home visit, virtual visit, or a meeting at a preferred venue within 6-8 weeks of becoming EHE to review the education provision being provided at home. Alternatively, parents may wish to provide a written report within 6-8 weeks of being registered as EHE.
 - The LA will send out a letter to parents confirming that their child is on the EHE register and provide initial supporting information.
38. The aim of the initial parental contact is to build an effective and constructive relationship to ensure that EHE is a positive choice and that the educational needs of their child are being met.
39. During home visits the EHE officer will wish to see the child as well as the parent so that their views can be gathered and contribute to the review of the educational provision in place. Parents are not obliged to respond to LA enquiries, to accept a visit or to allow EHE Inclusion Officer to meet with their child.
40. However, as stated in the DfE Guidance ‘...you should consider carefully the reasons for not doing so, what is in the best interest of your child, and what is the most sensible approach’. If parents do not satisfy the LA about the suitability of the education being provided at home, it may have no option but to conclude that the education at home is not suitable.
41. The aim of annual offer of contacts and meetings is to continue to build an effective and constructive relationship with parents, to ensure that EHE continues to be a positive choice for parents and the child/young person. The EHE Inclusion Officer will wish to see the child and the parent to discuss the progress made and contribute to the review of the educational provision in place.
42. Parents will be offered a targeted home visit by Inclusion team, to support progress.
43. Derby City Council also provides weekly Family Hub information and networking sessions for parents who electively home educate. This includes advice and guidance of moving children back into school, how to access examinations and post 16 pathways.

Suitable Education.

44. For many Derby families who home educate, EHE is suitable, and they continue to home educate for as long as the needs of the child are being met.
45. Families should be aiming to offer satisfactory home education from the outset, and to have made preparations in advance of removing their child from the school roll, as time lost in educating a child is difficult to recover.
46. When conducting visits, the EHE Officer may wish to see the child or young person and discuss the plan for their educational provision. There should be no significant period in which a child is not receiving suitable education.

47. If there is a change of circumstance for the family the parent may wish to contact and the EHE Officer EHE@derby.gov.uk .
48. The report provided by parents should demonstrate that the education being provided should outline how the education being provided for the child is suitable to age, ability, aptitude and Special Educational Needs.
49. When considering parents' provision of education at home, the Local Authority will typically be looking for the following:
- Educational philosophy.
 - Style of education followed – child led, autonomous, semi-structured or fully structured and why this style is right for the child
 - Demonstrating full time provision – an example being formal work in the morning, topic work in the afternoon or that your child takes part in a range of educational activities throughout the week. Term time only or all year-round learning.
 - What your child has been learning. How numeracy and literacy are covered, plus other subjects (informal and formal learning) - Discuss how the education is suitable to their age, ability, aptitude and SEN.
 - Special Educational Needs provision and meeting child's needs in line with EHCP outcomes
 - Other informal learning/hands on activities.
 - How you follow up on their learning to ensure they've achieved what you set out to.
 - Progress made in the last year (this can be included in other sections of your report or as a separate section).
 - Other activities, Forest school or EHE groups, other social activities, sport etc.
 - Resources your child uses
 - Depending on child's age - how you are preparing them for adulthood
50. Where parents are responding to the Local Authority's enquiries about their arrangements for their child's education and there is agreement that EHE is suitable, the Local Authority will maintain contact with the family on a regular basis or annually.
51. Under s.437(1) of the Education Act 1996, local authorities must act if it appears that parents are not providing a suitable education:
- 'If it appears to a Local 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.'*
- Elective home education Departmental guidance for local authorities*
- https://assets.publishing.service.gov.uk/media/5ca21e0b40f0b625e97ffe06/Elective_home_education_guidance_for_LAv2.0.pdf
52. In these circumstances the Local Authority will ask parents for detailed information about the education they are providing. Parents will have the opportunity to address the identified concerns and report back to the Local Authority within a set timeframe.

53. Parents are under no duty to respond to such enquiries, but it is advisable to do so and if a parent does not respond, or responds with insufficient information about the child's education, then the Local Authority will conclude that the child does not appear to be receiving full time, suitable education.
54. A refusal by parents to provide any information in response to informal enquiries will in most cases mean that the authority has a duty to commence the SAO process.
55. Where parents do not respond to Local Authority enquiries, they will receive written notification that EHE has been deemed unsuitable and that the parent is expected to make in-year application to their preferred school/s to ensure that the child returns to school by an agreed date, which is within 15 days of the date of the written letter from the local authority. If, after this date, no applications have been made, or the child has not started at a preferred school, SAO Procedures may commence.
56. Where parents continually fail to engage with the Local Authority, we will be unable to confirm the suitability of the education provision and would be obliged to deem education 'unsuitable' and may commence procedures.

This step will only be taken if all reasonable steps have been taken to review the education provision in place at home.

Children with SEN

57. Derby City Council respects the view that the 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. Under Sections 7 and 19 of the Education Act 1996, parents have the right to educate their children, including children with SEN, at home.
58. Where a child does have additional needs, but does not have an EHCP, and parents have expressed their wish to elect home educate, school must notify the EHE team and facilitate the multiagency meeting as detailed in section 3
59. Information about the right to request an Education and Health Care needs assessment (EHCNA) and support available for SEN is available at Derby City Council Local Offer.
60. LAs do not have a duty under Section 22 of the Children & Families Act 2014 to assess every home educated child to identify whether or not they have special educational needs.
61. **For pupils in receipt of an EHCP, attending named mainstream provision**, the school Inclusion Manager or Special Needs Coordinator (SENDCo) will facilitate an early annual review meeting with parents, the SEND Officer from the LA will join the multiagency meeting.
62. The purpose of this review is to discuss the arrangements and provision for EHE, to outline how the pupil's outcomes will continue to be met whilst EHE and if appropriate to agree a change of placement under section I of the EHCP.

63. If parents wish to EHE, the placement information on the EHCP is changed to reflect parental choice as follows: 'Parents have made their own arrangements under Section 7 of the Education Act 1996 to electively home educate'
64. **Children with an Education, Health & Care Plan (EHCP)- specialist provision:** For pupils in receipt of an EHCP who attend specialist provision, parents must obtain the consent of the Local Authority to withdraw their child from the school (Education (Pupil Registration) Regulation 9(2), 1995). In these instances, an early annual review of the EHCP will be organised to address the request of parent to electively home educate. A decision will be made as to whether the request to electively home educate can be met and that parent would be able to provide a full time and suitable education at home. The child must remain on roll at the specialist provision until suitable education at home has been confirmed. This regulation ensures the LA can maintain continuity in their responsibility for children with special educational needs. The regulations, however, are not intended to be a hindrance to these children being educated at home. The child or young person will remain on roll at the designated specialist provision until suitable education at home has been confirmed within 6-8 weeks of parental notification.
65. **Children with an Education, Health & Care Plan (EHCP)-Annual Reviews.** If a child beginning home education has an EHCP, the LA's statutory duty to undertake an annual review continues. This ensures compliance with the SEND Code of Practice 0 – 25 Years, section 9.177 (Department for Education January 2015). This review includes assessing whether the Education Health, and Care Plan is still appropriate, if the plan needs amending, or if parents wish to cease or maintain the plan, depending on the child's circumstances and the provision being made. Should the EHCP be maintained, the parents continue to have full legal and financial responsibility for the education provided. However, the LA has a legal duty to ensure that the child's needs are being met.
66. **Review Arrangement for Children with an EHCP** In cases where the EHCP is maintained, the LA will annually review the EHCP to assure itself that the provision set out in it continues to be appropriate and the child's special educational needs continue to be met. The LA may name the type of school or provision that would be suitable for the child, and state that 'parent has made their own arrangements under Section 7 of the Education Act 1996 to electively home educate.'
67. Parents will be invited to the EHCP Annual Review, where the review of the education provision will also take place, by the LA SEN Officer and EHE Advisory Teacher, together with representatives from any other agencies that the Local Authority deems appropriate e.g., Health, Social Care. Parents will be notified in writing of the outcome of the EHCP Annual review and their right to appeal, in accordance with the LA agreed timeframe.
68. The LA will not assume that because the provision being made by parents is different from that which was being made or would have been made in school, that the provision is necessarily unsuitable. However, in some cases, the LA may conclude that elective home education does not meet the child's Special Education Needs and education at home will be deemed unsuitable. The processes in Section 7 above will then be followed, parental preference will be considered, and consultations will take place by the SEND Named Officer

to facilitate a return to suitable education provision, whilst considering parental preference. If the previous named school on the EHCP are able to meet the child's needs, that school may be named in a school attendance order.

Children moving to another Local Authority area

69. The EHE officer will advise other LAs when they become aware that an EHE child has moved to another authority area. If a child goes missing, Derby City Council's Children Missing Education procedures will be followed.

Children with Early Help or Social Care Support

70. In most cases if a child is on either a Child Protection (CP) or Child in Need (CiN) Plan, the Local Authority must review home education more frequently subject to agreed protocols including attendance at appropriate meetings with Social Care.
71. The Local Authority may not give consent to the parent to home-educate when conducting enquiries under section 47 of the Children Act 1989 in respect of the child or taking action under section 47(8) of that Act to safeguard or promote the child's welfare, in a case the local authorities enquiries conclude the child is suffering, or is likely to suffer significant harm.

Looked After Children

72. If a child who is home educated becomes looked after, EHE will discontinue at the date of the Care Order. EHE Inclusion Officer, Social Care and Virtual School will cooperate to secure a school place or an alternative provision to meet the needs of the child as soon as possible.

SAFEGUARDING

73. It is the responsibility of all agencies and Local Authority teams to report to Children's Social Care if they have any concerns about the safety and welfare of a child who is being home educated.
74. Local Authorities have the same safeguarding responsibilities for children educated at home as for other children. If there is a reasonable cause for concern regarding a child's welfare, a referral will be made to Social Care.
75. The Local Authority can insist on seeing children to enquire about their welfare where there are grounds for concern.
76. The Local Authority must take action to enable cases of suspected or identified abuse to be properly considered or pursued. If any Child Protection concerns come to light during engagement with children and families, these concerns will immediately be referred to the appropriate services using established protocols.

<https://www.ddscp.org.uk/worried-about-child/>