

Nottinghamshire Draft Elective Home Education Policy 2024-2028

Introduction

1. This Policy applies to those children whose parents and carers have chosen to educate their children at home. The document sets out parental rights and responsibilities, the current legal position and outlines Nottinghamshire County Council's (NCC) procedures in respect of Elective Home Education. Throughout this guidance the word 'parents' should be taken to include all those with parental responsibility, including guardians, and foster carers (N.B. in the case of Foster Carers the Local Authority may be the corporate parent).
2. Elective Home Education is the term used by the Department for Education to describe a choice made by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time. This is different to education provided by a local authority otherwise than at a school - for example, tuition for children who are too ill to attend school.
3. Home education is an option that families may consider for their children's education. Parents may choose to electively home educate their children for many reasons. Educating children at home works well when it is a positive, informed and dedicated choice, but there is evidence that not all children who are educated at home are in receipt of suitable education. NCC has a duty to ensure that children are safe and are being suitably educated and the Council's aim is to take a proportionate approach in ensuring that all children receive a good education that enables them to reach their potential and prosper into adulthood.
4. This policy revision was initiated in line with the 3 year review determined within the previous (2020) policy and takes into account recent case law *Goodred v Portsmouth City Council* (2021).

Background

5. This policy is informed by:
 - [Elective home education - draft departmental guidance for local authorities.pdf](#) 2023
 - [2019 guidance provided by the DfE, Elective home education Departmental guidance for local authorities](#) (hereafter referred to as '2019 guidance')
 - [Education Act 1996 \(inserted by the Education and Inspections Act 2006\)](#)
 - [The United Nations Convention on the Rights of the Child](#) (Article 28)
 - [European Convention on Human Rights](#) (Article 2, Protocol 1)
 - [Case law Goodred v Portsmouth City Council \(2021\)](#)
 - [Education Act 1996 - Legislation.gov.uk](#)
 - [The Children Act 2004](#)
 - [Education Act 2002](#)
 - [Elective home education, Academic year 2022/23 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](#)
 - [The Education \(Pupil Registration\) \(England\) Regulations 2006](#)

- [Special educational needs and disability code of practice: 0 to 25 years Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities January 2015](#)
 - [Nottinghamshire Safeguarding Children Partnership Child Protection Procedures](#)
6. NCC is committed to eliminating discrimination, advancing equality of opportunity and fostering good relations between people in accordance with the [Equality Act 2010](#).

Aims of the Policy

7. This policy is in place to ensure that NCC has clear and consistent procedures for working in partnership with parents who choose to electively home educate their children and discharge its statutory duties in relation to the education of all children living within Nottinghamshire.
8. The policy aims to give parents who are considering removing their child from school to home educate them, the opportunity to fully explore the implications and to assist them in making an informed decision that is an active and positive step in the best interests of their child.
9. The Local Authority in its role as champion for all children and young people whether they are educated in school or elsewhere has a duty to promote the achievement of all children and young people. In doing so it will seek to establish the identities (so far as possible), of the children in Nottinghamshire who are home educated and offer information, advice and guidance to parents. The Local Authority will also intervene where there are concerns that a child is not receiving a suitable education or there are concerns about a child's wellbeing or safety.

Principles underpinning Nottinghamshire County Council's policy

10. NCC's ambition is for Nottinghamshire to be a place where children are safe, healthy and happy, where everyone enjoys a good quality of life and where everyone can be given the support to achieve their potential and prepare for adulthood.
11. All children and young people have a right to an education that is appropriate to their age, ability and aptitude which takes into account any special educational needs and disabilities they may have. We recognise that parents have the legal responsibility for ensuring that their children are suitably educated and respects the rights of parents who elect to home educate their child. The Local Authority seeks to work in partnership with and offer support to all parents who make this choice and recognises its role in making information available to parents who are considering this route.
12. Every effort will be made to ensure that the child continues their education in school if that is in their best interests. Where a parent's decision to withdraw their child from school does not appear to be a positive one, or there is evidence of off-rolling, Nottinghamshire's Elective Home Education (EHE) team will always seek to work with children, parents and the school to resolve any issues and support conversations and joint meetings to agree how a student's needs can continue to be met by the school.
13. The Local Authority will work with all maintained schools, academies and independent schools to ensure that they adhere to statutory guidance in relation to attendance,

exclusions and the removal of children from a school roll to reduce the potential for children to be off-rolled, displaced into elective home education by default or go missing.

14. There are a variety of approaches to providing a suitable, full-time education and an electively home educated child may not necessarily follow a programme of study designed for the school sector. We acknowledge that children learn in different ways and at different times and speeds. Parents should be aiming to offer satisfactory home education from the outset, and to have made preparations with that aim in view, as time lost in educating a child is difficult to recover. However, we appreciate that parents and their children might require a period of adjustment before finding their preferred mode of learning and that families may change their approach over time.
15. The Local Authority is required, as far as is reasonably practicable, to identify children who are not in receipt of a suitable education and appropriate informal enquiries shall be made to this end in respect of children who are electively home educated by suitably qualified and trained representatives of NCC. Where a return to a school setting is required, we will work collaboratively with parents to ensure that this can happen without delay.

Parental rights and responsibilities

16. Parents have a legal responsibility to ensure that their children receive an education. Section 7 of The Education Act 1996 provides that:

'The parent of every child of compulsory school age shall cause them to receive efficient full-time education suitable –

*(a) to their age, ability and aptitude, and
(b) to any special educational needs they may have,
either by regular attendance at school or otherwise.'*

17. Education 'otherwise' includes by means of elective home education and parents may elect to home educate at any stage. Whilst their children are of statutory school age, they must ensure that they receive suitable full-time education for as long as they have elected to educate them at home.
18. Parents are not required to seek approval from the Local Authority to educate their child at home. Where parents choose for their child not to enter the school system and to provide elective home education, they are requested to bring this to the attention of Nottinghamshire County Council's EHE team, although there is no statutory duty for them to do so. Parents' right to educate their child at home applies equally where a child has Special Educational Needs (SEN) and further information about children with an Education, Health and Care Plan (EHCP) is contained in **paragraphs 34 - 37** of this policy.
19. On the basis of international comparisons, the current legislative framework for home education is relatively permissive. 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 keeps to school hours and terms. Other parents may decide to make more informal provision that is responsive to the developing interests of their child.
20. Parents are not required to have any qualifications or training to provide their children with a suitable education and 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 anyone they engage is a suitable person to have access to children and that their child is not attending a setting that is operating as an independent school without registration. Parents who choose to educate a child at home rather than sending the child to school full-time take on financial responsibility for the cost of doing so, including the cost of any external assistance used such as tutors, parent groups or part-time alternative provision. Examination costs are also the responsibility of parents if a child is electively home educated.

Local authority responsibilities

21. Section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, places a statutory duty on the Local Authority to:

'make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but —
(a) are not registered pupils at a school, and
(b) are not receiving suitable education otherwise than at a school.'

22. When children are electively home educated local authorities are recommended to make informal enquiries if it is not clear as to whether home education is suitable, including where there is no information available at all. The 2019 guidance recommends asking parents for detailed information about the education they are providing and following up these enquiries with at least annual contact so the authority may reasonably inform itself of the current suitability of the education provided. Parents are under no duty to respond to such enquiries, but if a parent does not respond, or responds without providing any information about the child's education, then it will normally be justifiable for the authority to conclude that the child does not appear to be receiving suitable education.
23. Under section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that the parents may not be 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 notice in writing on the parent requiring them to satisfy them within the period specified in the notice that the child is receiving such education. Parents must have at least 15 days to respond to such a notice.
24. If parents do not make a response, or if they fail to satisfy the authority that the child is receiving a suitable education, and it is expedient that the child attends school, then the authority will serve a School Attendance Order requiring the parent to cause the child to become a registered pupil at the school named in the order. The basis on which schools are selected for this purpose is outlined in Sections 438 to 441 of the Education Act 1996.
25. Local authorities have a duty to safeguard and promote the welfare of children. The welfare and protection of all children, both those who attend school and those who are educated at home, are of paramount concern and the responsibility of the whole community. Working Together to Safeguard Children 2018 states that all agencies and individuals should aim to proactively safeguard and promote the welfare of children.

The Nottinghamshire model

26. NCC records all children in the area who are known to be electively home educated in order that we can discharge statutory duty as set out in **paragraphs 21 – 25** of this

guidance. Where a child leaves a school or academy, including an independent school, there is a requirement for the establishment to inform us that the child's name is being deleted from the admission register for the reason of elective home education (where this is the case). The Children Act 2004 places a duty on all stakeholders to share information for the purposes of safeguarding and promoting the welfare of children. All children brought to the attention of NCC as being in receipt of elective home education by other means will be recorded as such in order that we are able to discharge our duty under section 436A of the Education Act 1996. NCC must of course comply with the General Data Protection Regulation and the Data Protection Act 2018.

27. When a notification is received from school that a parent is considering elective home education, or that they have formally requested a deregistration from the roll for elective home education, contact is offered from a Professional Practitioner within the Nottinghamshire EHE team. This offers an opportunity for parents to ask any questions, discuss the decision and to confirm the elective home education is a positive choice they have made, without pressure to do so. If, during this conversation it appears that it is the parents' wish that their child remains on school roll, then conversations and meetings to agree future support from within the school systems will be facilitated by the Professional Practitioner. Checks are routinely undertaken for all children known to be electively home educated to see if the child is known to any other NCC support services who may be working with the child or family and can support them in their future decisions.
28. If parents wish to continue to electively home educate then options for future contact with Nottinghamshire's EHE team will be discussed:
 - All parents are offered support from a suitably qualified and experienced Education Adviser. They can offer guidance in respect of curriculum, qualification pathways and external support available. If parents choose to accept this advice and guidance offer then the a view regarding whether the child is in receipt of suitable education will be formed following contact with the Education Adviser. A record of any recommendations and advice given will be sent to parents.
 - Some parents indicate that their child has specific needs that may mean additional support from the Professional Practitioner is offered, these could include where a referral is required to another service for ongoing support.
 - The EHE team will make informal contact to ensure that a suitable education is in place on at least an annual basis. Where parents request further support, or where there are concerns about the suitability of the education or about the wellbeing of a child, the contact may be more frequent. The Local Authority will make at least two informal attempts to contact parents to seek assurances that a suitable education is in place before taking any more formal action.
 - Parental views on the type of contact they would prefer to receive will be sought by the team. Where parents indicate they do not wish to have direct contact with the team and do not provide other evidence of suitable education, Nottinghamshire County Council's EHE team will make informal enquiries and ask the parents for further information about the education that is being provided. *'Parents are under no duty to respond to such enquiries, but if a parent does not respond, or responds without providing any information about the child's education, then it will normally be justifiable for the authority to conclude that the child does not appear to be receiving suitable education'*

(DfE Guidance 2019). NCC is not prescriptive about what needs to be provided and will form a view based on each individual situation. Information that could be provided includes: a detailed report covering what learning has taken place, the child's progress and level of comprehension; a report from a third party (this need not be a specifically qualified third party or one who tutors the child); copies of the child's work; copies of feedback from educational service providers; images of the child engaged in learning or some other form of information that indicates the suitability of the education provision. Where the information provided is simply an assertion of the education the child is in receipt of, this will not usually suffice.

29. NCC recognises that each child is an individual and does not apply a blanket policy in forming a view about whether we are satisfied that a child is in receipt of suitable education. However, there are some fundamentals that it is highly likely will need to be in place to be confident that suitable education is being delivered. **Annex A** outlines NCC's considerations when reviewing information in relation to the home education in place.
30. If NCC is not able to confirm that a suitable education is in place through the usual informal processes, it may be necessary to serve a s.437(1) notice to seek assurance that a child is in receipt of a suitable education. In this case the Authority would set out, in writing, the reasons why EHE does not appear to be suitable at the point of serving a s.437(1) notice, (also referred to as a 'preliminary notice') so that parents can respond constructively to the notice. The period specified for a response will not be less than 15 days beginning with the day on which the notice is served.
31. If NCC cannot be satisfied that a child is in receipt of suitable education then this will be communicated to the parent and support offered to ensure the child is returned to suitable education provision, usually at a school, without delay. If parents do not comply with the timescales set out to either apply for a school place or further demonstrate suitable education then action in line with **paragraphs 24 and 25** of this Policy will be initiated.
32. As with school educated children, safeguarding issues may arise in relation to electively home educated children. If concerns come to light in the course of engagement with children and families, or otherwise, they shall be addressed in accordance with the process set out in Nottinghamshire Safeguarding Children Partnership child protection procedures.
33. To ensure equality of access to health services, specifically the School Aged Immunisation Services and the Healthy Families Programme, Nottinghamshire's EHE team provides, on a termly basis, details of children who are electively home educated in the County to the area NHS foundation trust. Information is communicated to parents at the point their child becomes known to Nottinghamshire's EHE team and details are not shared when consent is withheld.

Children and young people in specific circumstances

Children with an Education, Health and Care Plan (EHCP)

34. When a child with an EHCP is attending a special school under arrangements made by the Local Authority then the Local Authority's consent is required for the child to be removed from the school roll to become electively home educated. When such a request is received this will be passed to NCC's Integrated Children's Disability Service which will give consideration to parents' plans and ability to provide education at home to a child whose special educational needs are significant enough to warrant a place in a special school.

Additionally for any request for a child with an EHCP they will need to carefully consider with parents how the health and social aspects of the plan will be delivered within the home education proposals. An early annual review will be called for any children with an EHCP who moves to elective home education in order that any revisions to the plan can be agreed.

35. Where a child has an EHCP, the Local Authority is required to monitor the educational provision and to arrange for the EHCP to be annually reviewed. This review will be conducted by the Integrated Children's Disability Service in conjunction with the EHE team.
36. Providing 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.
37. Young people may also be educated at home in order to meet the requirement to participate in education and training until the age of 18. If this is specified within an EHCP then support from Nottinghamshire's EHE team, as detailed in this policy, will continue until the child's 18th Birthday.

Children who are Flexi Schooled

38. Flexi-schooling is an arrangement whereby a child is educated at home for some of the week but also registered at a school where they attend for part of the week. If a child is of compulsory school age he or she must, overall, be receiving full-time education even if components of it are part-time. The 2019 guidance is clear that it applies as much to children who are flexi-schooled as it does to others who are educated at home.
39. Flexi-schooling can be requested by parents but is not an automatic right and must be agreed by the school involved. In situations where this agreement is reached, the Local Authority ensures that the requirement for suitable full-time education is met by regular reviews by the school of the child's provision, including information about the provision being received at home. Schools are required to inform NCC of any children subject to a flexi-schooling arrangement in order that this can be recorded and a yearly assurance of full-time suitable education sought from the school. Advice and guidance can be sought by schools from NCC's EHE team.

Maintained and independent schools and academies: roles and responsibilities

40. Schools should explore with parents all the immediate and longer-term implications of taking their child off roll. In line with the 2019 guidance it is strongly advised that parents confirm in writing to the school their intention to home educate to avoid misunderstanding; if no such written confirmation is provided to the school then NCC requires the school to provide a written confirmation to the EHE service of the decisions made.
41. The school must inform the EHE team without delay of the parents' decision to deregister their child. They should follow the legal requirements and the agreed NCC protocols for taking children off roll. Any safeguarding concerns must also be reported at this point.

Monitoring and reporting arrangements

42. Details of all children and young people who are electively home educated are maintained in secure database systems within the Education, Learning and Inclusion Service. Information about how personal data is handled and stored, including information about how long records are retained for, can be found by visiting [Nottinghamshire County Council's Privacy Statement](#).
43. The Local Authority is expected to consider trends in EHE in a wider strategic context, for example, in identifying shortcomings in local school provision and non-school based alternative provision settings, including failure to meet requirements relating to SEND, or failures by schools to manage attendance and behaviour. Consequently an annual report is submitted to the Cabinet Member for Education and SEND for the purposes of monitoring discharge of statutory duty and support offered to parents who elect to home educate. This provides characteristics of the entire population of children known to be electively home educated in Nottinghamshire, such as gender, SEN, area, but does not provide information at such a level that it would be possible to identify individual children.
44. The Local Authority is requested to provide information to the Department for Education in the form of a termly data return for children who are EHE and complies with this request. The information provided is at a cohort level and not an individual child level.

Complaints, Comments and Compliments

45. We want to hear your views about our services, good or bad. What you tell us helps us improve services and plan for the future. Informal complaints or compliments can be sent to the Fair Access Team Manager via the EHE email address EHE@nottscc.gov.uk
46. To make a formal complaint, comment or compliment please use the online form [Make a comment, compliment or complaint | Nottinghamshire County Council](#) or write to Complaints and Information Team, County Hall, West Bridgford, Nottingham, NG2 7QP.
47. If you remain dissatisfied after the Nottinghamshire County Council Complaints Procedure has been followed you can raise your complaint with the Local Government Ombudsman <https://www.lgo.org.uk>

Review of this policy

48. It is intended that this policy statement is reviewed within three years of its publication unless the arrangements have to change as a result of County Council policy development or service structure, or changes in legislation or guidance before this date.