



17 June 2024

**REPORT OF SERVICE DIRECTOR, EDUCATION, LEARNING AND
INCLUSION**

ELECTIVE HOME EDUCATION POLICY 2024 - 2028

Purpose of the Report

1. This report seeks approval of the revised Elective Home Education Policy 2024-2028, attached as **Appendix 1**, which seeks to clarify parental rights and responsibilities, the current legal position and outlines Nottinghamshire County Council's procedures in respect of Elective Home Education.
2. This is a Key Decision because it will have significant effects on two or more electoral divisions.

Information

3. 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.
4. 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 Elective Home Education (EHE) team, although there is no statutory duty for them to do so.
5. All children and young people, including those who are electively home educated, 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. The Local Authority recognises 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.
6. Since 2019 Nottinghamshire County Council has employed a team of four dedicated Elective Home Education staff to provide advice and guidance to families considering or delivering elective home education as well as providing annual access to associate

educational advisers for families who wish to access their support. This team is led by the Fair Access Team Manager.

7. The Local Authority is required, as far as is reasonably practicable, to identify all children and young people in Nottinghamshire who are not in receipt of a suitable education, and this includes seeking assurances about the learning of those who are electively home educated. Consequently, 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 the Council. Evidence of learning can be provided in a variety of ways depending on the preference of the parents. On the occasions when a return to a school setting is required, the Local Authority will work collaboratively with parents to ensure that this can happen without delay.
8. This revised policy will replace the Elective Home Education Policy 2020 and was reviewed by the Council's Children and Families Select Committee through a task and finish group made up of members of the Committee and Council Officers. Their recommendations were approved by the Children and Families Select Committee on 5 February (meeting rescheduled from 16 January) and the report to the Committee can be found in **Appendix 2**.
9. Advice and guidance about Elective Home Education can be found on the Nottinghamshire County Council website [Elective home education | Nottinghamshire County Council](#)

Other Options Considered

10. The Local Authority has a duty to be assured that children and young people in Nottinghamshire are in receipt of an appropriate education and that they are safe.
11. The Local Authority does not have to agree a policy but without a policy in place there would be no transparency for parents, schools or Local Authority staff about areas of responsibility, opportunities for support, or processes that will be followed.

Reason/s for Recommendation/s

12. To provide clarity about parental and Local Authority responsibilities in relation to Elective Home Education and to clarify the guidance available, expectations and the process that will be followed.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

14. The introduction of this revised Elective Home Education Policy does not have any new financial implications. The Local Authority does not receive any funding from the Department For Education for children and young people who are electively home educated.

RECOMMENDATION/S

- 1) That the Elective Home Education Policy 2024-2028, attached as **Appendix 1**, be approved.

Peter McConnochie
Service Director, Education, Learning and Inclusion

For any enquiries about this report please contact:

Karen Hughman
Group Manager, Education Access, Standards and Safeguarding
T: 0115 9772572
E: Karen.Hughman@nottsc.gov.uk

Constitutional Comments (LPW 28/05/24)

15. The recommendation falls within the remit of the Cabinet Member for Education and Special Educational Needs & Disabilities by virtue of their terms of reference.

Financial Comments (SS 22/05/24)

16. The introduction of this revised Elective Home Education Policy does not have any new financial implications. The Local Authority does not receive any funding from the Department for Education for children and young people who are electively home educated. The Local Authority budget to allow the team to support families & students for 2024/25 is £251,756.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- [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](#)

Electoral Division(s) and Member(s) Affected

All.

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