



# Nottinghamshire County Council Children, Families and Cultural Services

## POLICY FOR ELECTIVE HOME EDUCATION

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### 1. Introduction

- 1.1 In England education is compulsory; schooling is not. Parents<sup>1</sup> have a duty to educate their child in a manner that is “appropriate to the child’s age, ability and aptitude and to any special educational needs that the child may have, either through regular attendance at school or otherwise”. (Section 7 Education Act 1996). Within this framework one option open to parents is to home educate their child.
- 1.2 Elective Home Education is the term used by the Department of Education (DFE 2010) to describe parents’ decisions to provide education for their children at home instead of sending them to school. This is different to home tuition provided by the local authority other than at school because the electively home educated child does not appear on any school roll.
- 1.3 Nottinghamshire County Council (NCC) seeks to support the development of diversity and choice with regard to school provision across the county. It is important to offer parental choice, as the principal of parental choice is paramount to the local authority. However NCC accepts that, regardless of the variety of school provision available, parents are entitled to choose what they feel is the most suitable educational approach for their children. Therefore NCC respects the rights of parents/carers to educate their children at home according to their philosophical, cultural, ideological or religious views and beliefs.
- 1.4 Parents are not required to register or seek approval from the local authority to educate their children at home. As a result, the number of

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<sup>1</sup> See Note 1

children who are electively educated at home remains unknown. Nationally the number of electively home educated children is believed to be growing steadily and this is reflected in Nottinghamshire.

## **2. Background**

- 2.1 This policy is informed by the guidance on Elective Home Education published by DFE (formerly DCSF) in 2007. Unlike the radical and extensive transformation of the law of education over the last three decades, the legal framework in relation to elective home education has remained unchanged since 1944.
- 2.2 The publication of an independent report in 2009<sup>2</sup> caused local authorities to examine the arrangements they have in place to meet the needs of the electively home educated child. Although the recommendations were approved by the Secretary of State for Education at the time, no further legislation was passed.

## **3. Aims of the Policy**

- 3.1 The aim of this policy is to ensure that the local authority has robust procedures in place for discharging its statutory duties in relation to electively home educated children and young people.
- 3.2 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 well-being or safety<sup>3</sup>.
- 3.3 The policy seeks to affirm the principles upon which the local authority undertakes its duty towards electively home educated children and young people.
- 3.4 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.
- 3.5 Through this policy the local authority is committed to working in partnership with parents, children and young people and the wider elective home education community. The local authority will uphold the

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<sup>2</sup> "Review of elective home education in England".(2009) Graham Badman (DCSF)

<sup>3</sup> See Note 2

principles described below in discharging its duty towards children and young people.

#### **4. Principles underpinning the Local Authority's policy**

- 4.1 The local authority'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 achieve their potential.
- 4.2 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<sup>4</sup>.
- 4.3 The local authority acknowledges that children learn in different ways and at different times and speeds. It appreciates 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.
- 4.4 The local authority will continue to work in a sensitive manner with those parents who are already or choose to home educate their children.
- 4.5 The local authority recognises that parents have the legal responsibility for ensuring that their children are suitably educated. It respects their right to choose to educate their child other than at school, according to their philosophical, ideological or religious views and beliefs.<sup>5</sup>
- 4.6 The decision by parents to elect to educate their child other than at school should be an informed, active and positive one. It is important that parents obtain sufficient information about home education when making the decision and the local authority recognises its role in making this information available<sup>6</sup>
- 4.7 Where a parent's decision to withdraw their child from school is as a result of conflict, bullying, emotional problems the school should work closely with the parents and appropriate LA support services to resolve the issues wherever possible.
- 4.8 Every effort must be made to ensure that the child continues their education in school if that is in their best interests. The Local Authority's Pathway to Provision programme should be used to help identify alternatives to elective home education in such circumstances.

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<sup>4</sup> (Article 26 of the United Nation Convention on the Rights of the Child recognises the rights of child to an education).

<sup>5</sup> See note 3

<sup>6</sup> See note 4

- 4.9 There is 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.
- 4.10 The local authority is required to satisfy itself that all electively home-educated children and young people are in receipt of a suitable education and appropriate enquiries shall be made to this end. Enquiries will be undertaken by suitably qualified and trained officers of Nottinghamshire County Council.
- 4.11 The local authority recognises that Nottinghamshire County Council accepts parents' choice to home educate their children, unless it appears through appropriate enquiries, that suitable provision is not being made for the child. In such cases the local authority will recommend a return to school.

## **5. Local authority responsibilities**

- 5.1 Local authorities have a statutory duty under section 424A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, as far as it is possible to do so, of the children in their area who are not receiving a suitable education. The duty applies to children of compulsory school age who are not on a school roll, and who are not otherwise receiving a suitable education at home, privately, or in alternative provision.
- 5.2 Under section 424A, children missing education are defined as 'children of compulsory school age who are not on a school roll, not placed in alternative provision by the local authority and not receiving a suitable education at home'.
- 5.3 Local authorities have no statutory duties in relation to monitoring the quality of elective home education on a routine basis. However, under section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that the 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 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."
- 5.4 The Education Act 1996 states that local authorities should work to address the situation informally. In these circumstances the local authority will ask the parents for further information about the education that is being provided. Parents are not legally required to respond to such enquires, but it would be sensible for them to do so.
- 5.5 In order that the local authority is able to establish whether the education is suitable, an assessment by an elective home education adviser is

commissioned. If the EHE Adviser's assessment of education is unsuitable the Targeted Support Service will work with the parent with the aim to return the child to school.

- 5.6 Where a child has a statement of special educational needs and is electively home educated, it remains the local authority's duty to ensure that the child's needs are met and to maintain the statement which should be reviewed it annually.<sup>7</sup> However the local Authority is relieved of its duty to make the provision outlined in the statement
- 5.7 On the basis of international comparisons, the current legislative framework for home education is relatively permissive. The case law definitions of a suitable education, cited in the Department's 2007 guidelines on (elective) home education, are only loosely worded, while those same guidelines emphasise the freedoms that home educators have in designing their education provision. For example, home educating parents are not required to teach the National Curriculum or otherwise provide a broad and balanced education. They need not set hours during which education will take place, nor teach formal lessons. They are not obliged to assess formally their child's progress or set developmental objectives for them. They are similarly not obliged to reproduce school-type peer group socialisation for their child.
- 5.8 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 displaced into elective home education by default.

## **6. Safeguarding**

- 6.1 Local authorities have a duty under section 11 of the Children Act 2004 and section 175 (1) of the Education Act 2002 to safeguard and promote the welfare of children.<sup>8</sup>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 2010* states that all agencies and individuals should aim to proactively to safeguard and promote the welfare of children.
- 6.2 Every practitioner working or in contact with a child has a responsibility to inform the Child Missing Education Officer if they know or suspect that a child is not receiving a suitable education.
- 6.3 As with school educated children, child protection issues may arise in relation to electively home educated children. If any child protection concerns come to light in the course of engagement with children and

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<sup>7</sup> (Chapter 9 of the SEN Code of Practice).

<sup>8</sup> See note 2

families, or otherwise, they shall be addressed in accordance with the process set out in the Pathway to Provision document and child protection procedures <sup>9</sup>.

- 6.4 The purpose of the Pathway to Provision document is to support practitioners to identify the child, young person and family's level of need and to enable the most appropriate referrals to access provision. It is especially critical that appropriate referrals are made to Children's Social Care to ensure the safety of children and young people in Nottinghamshire.
- 6.5 The Pathway to Provision document should be read alongside the Nottinghamshire Safeguarding Children's Board (NSCB) Procedures that reflect the legal framework underpinning work with children to promote their welfare and prevent abuse<sup>10</sup>.

## **7. Parental rights and responsibilities**

- 7.1 Parents may elect to home educate at any stage up to the end of compulsory school age. They must ensure that their children receive suitable full-time education for as long as they have elected to educate them at home.
- 7.2 Parents' right to educate their child at home applies equally where a child has Special Educational Needs (SEN). This right is irrespective of whether the child has a statement of special educational needs or not.
- 7.3 Parents are not required to register or seek the approval from the local authority to educate their child at home. However parents must have the local authority's agreement to withdraw their child from school if the child has a statement of SEN and attends a special school.
- 7.4 Parents are not required to have any qualifications or training to provide their children with a suitable education.
- 7.5 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 anyone they engage is a suitable person to have access to children.
- 7.6 Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations.
- 7.7 Home educating parents are not required to have any ongoing contact with the local authority in relation to their child's education unless there is

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<sup>9</sup> See note 6

<sup>10</sup> See note 2

a cause for concern.

## **8. Maintained and independent schools and academies: roles and responsibilities**

- 8.1 Schools should explore with parents all the immediate and longer-term implications of taking their child off roll. Parents need to confirm in writing to the school their intention to home educate.
- 8.2 The school must inform the Elective Home Education Team within 14 days of the parents' written decision to deregister their child. They should follow the legal requirements and the agreed local authority protocols for taking children off roll. Any safeguarding concerns must also be reported.

## **9 Monitoring and reporting arrangements.**

- 9.1 Details of all children and young people who are electively home educated are maintained in a database within the Education Improvement Service.
- 9.2 A programme of visits is undertaken by EHE Advisers with the agreement of parents. A report on the suitability of education based upon local authority criteria is published to parents. Each report is quality assured by the Programme Manager who reports on outcomes to the responsible officer in the Education Improvement Service.
- 9.3 A report on the children and young people who are electively home educated including the numbers, reasons and quality of provision including the number of school attendance orders and education supervision orders issued is submitted to the Service Director, Education, Standards and Inclusion annually
- 9.4 Where a child has a Statement of special educational need, the Local Authority is required to monitor the educational provision and to arrange for the statement to be annually reviewed.

## **10 Review of this policy**

- 10.1 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 changes in legislation before this date.

## **11. Notes**

1. Throughout this Policy 'parents' should be taken to include all those with parental responsibility, including guardians and carers.
2. Link to Nottinghamshire and Nottingham City Safeguarding Children Boards' "Safeguarding Children Procedures"  
<http://www.nottinghamshire.gov.uk/nscb>  
<http://www.nottinghamshire.gov.uk/home/learningandwork/caringforchildren/socialcareandhealth/nscb/childprotectionpoliciesproceduresandpracticeguidance.htm>
3. Article 2 of Protocol 1 of the European Convention on Human Rights  
*"No person shall be denied the right to education. In the exercise of any functions which is assumes in relation to education and to teaching, the state shall respect the right of parents to ensure education and teaching is in conformity with their own religious and philosophical convictions".*
4. Reference: Children and Young People's Services - Elective Home Education in Nottinghamshire Guidance Notes for Parents/Carers.
5. The CAF framework is a standard assessment that can be used by all services working with children, young people and their families. It is particularly suitable for use in integrated early intervention work, where we need to work with families as soon as we realise that the child or young person is experiencing difficulties.
6. Reference: Children and Young People's Services - Pathway to Provision:  
<http://www.nottinghamshire.gov.uk/home/learningandwork/childrenstrust/earlyinterventionandprevention/pathwaytoprovision.htm>