

Policy for Elective Home Education February 2020

Nottinghamshire County Council Children, Families and Cultural Services

POLICY FOR ELECTIVE HOME EDUCATION

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1. Introduction

- 1.1 This document applies to those children whose parents¹ 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 procedures in respect of Elective Home Education.
- 1.2 Elective Home Education is the term used by the Department of Education 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, or access provision made through the County Council's 'Educated Otherwise Than at School' arrangements.
- 1.3 Home education is an option that families may consider for their children's education. Parents may choose to electively home educate their child for many reasons. This may include decisions based on ideological or philosophical views, religious or cultural beliefs or because they believe that their child's needs may be better met in this way. It may be due to dissatisfaction with the school system or as a short-term intervention for a variety of reasons.
- 1.4 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. The local authority has a moral and social obligation to ensure that children are safe and are being suitably educated and Nottinghamshire County Council's aim is to ensure that all children receive a good education that enables them to reach their potential and prosper into adulthood.
- 1.5 As there is no compulsory registration scheme for children who are electively home educated the number of children who are educated in this way 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 [2019 guidance provided by the DfE](#).
- 2.2 Section 7 of the [The Education Act 1996](#) provides that:

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

¹ Throughout this Policy 'parents' should be taken to include all those with parental responsibility, including guardians and carers.

- (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."

- 2.3 The [United Nations Convention on the Rights of the Child \(Article 28\)](#) recognises the right of all children to an education

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

"No person shall be denied the right to 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 convictions."

- 2.5 Nottinghamshire County Council is committed to eliminating discrimination, advancing equality of opportunity and fostering good relations between people in accordance with the [Equality Act 2010](#) and the [Public Sector Equality Duty](#).

3. Aims of the Policy

- 3.1 The aim of this policy is to ensure that the local authority has clear and consistent procedures in place for working in partnership with parents who choose to Electively Home Educate their children and discharging its statutory duties in relation to the education of all children living within Nottinghamshire.
- 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
- 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 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.
- 4.3 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 choose Elective Home Education for their child. The local authority seeks to work in partnership with and offer support to all parents who make this choice.
- 4.4 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.
- 4.5 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 available²
- 4.6 Where a parent's decision to withdraw their child from school is as a result of conflict, bullying or emotional problems the school should work closely with the parents and appropriate local authority support services to resolve the issues wherever possible³. This may include a tripartite meeting of the family, the school and an adviser to ensure that all avenues of meeting the students' needs have been explored.
- 4.7 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 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 roll⁴ to reduce the

² Nottinghamshire County Council's '[Guidance to parents](#)' provides further information to parents

³ Further details of support services can be found at www.nottshelpyourself.org.uk

⁴ Nottinghamshire County Council's [Off Rolling Guidance](#)

potential for children to be displaced into elective home education by default or go missing.

- 4.8 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.
- 4.9 The local authority is required as far as possible, to identify children who are not in receipt of a suitable education and appropriate enquiries shall be made to this end in respect of children who are electively home educated. Enquiries will be undertaken by suitably qualified and trained representatives of Nottinghamshire County Council.
- 4.10 If it appears through appropriate enquiries, that suitable provision is not being made for the child, the local authority will recommend a return to school.

5. Parental rights and responsibilities

- 5.1 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.
- 5.2 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.
- 5.3 Parents' right to educate their child at home applies equally where a child has Special Educational Needs (SEN). This right applies, irrespective of whether the child has an Education Health and Care Plan or not.
- 5.4 Parents are not required to register or seek the approval from the local authority to educate their child at home. However, parents who choose to electively home educate in Nottinghamshire are strongly advised to register their child with Nottinghamshire County Council's Elective Home Education team. Parents must have the local authority's agreement to withdraw their child from school if the child has an Education, Health and Care Plan and attends a special school.
- 5.5 Parents are not required to have any qualifications or training to provide their children with a suitable education.
- 5.6 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 and that their child is not attending an unregistered setting.

- 5.7 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.
- 5.8 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 a cause for concern.

6. Local authority responsibilities

- 6.1 Local authorities have a statutory duty under [section 436A 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.
- 6.2 Under section 436A, 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'.
- 6.3 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." Parents must have at least 15 days to respond to such a notice.
- 6.4 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.
- 6.5. Where a child has a statement of special educational needs or an Education Health and Care Plan (EHCP) 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 EHCP. The EHCP should be reviewed annually. However, the local Authority is relieved of its duty to make the provision outlined in the statement

7 The Nottinghamshire context⁵

- 7.1 A voluntary registration scheme is operated and all parents who provide home education are encouraged to notify the local authority.
- 7.2 Schools and academies are required to inform the local authority of all deletions from the admissions register and the grounds upon which a child's name is to be deleted⁶. Where elective home education is reported in this way children will be registered with Nottinghamshire County Council's Elective Home Education (EHE) team.
- 7.3 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 the local authority as being in receipt of elective home education will be registered with Nottinghamshire County Council's EHE team in order that the local authority is able to discharge its duty under [section 436A of the Education Act 1996](#). Nottinghamshire County Council must of course comply with the General Data Protection Regulation and the Data Protection Act 2018
- 7.4 A visit by an elective home adviser is commissioned to offer support and guidance to parents who choose to electively home educate. In most cases they will be satisfied that education is suitable and will continue to offer advice and information to the home educating parent if needed, along with further support visits as agreed with the parent.
- 7.5 If the Adviser has concerns about the suitability of the education provision or feels that a parent just beginning home education needs more time to establish a programme of elective home education, then they may recommend a follow up visit takes place within a specified timescale.
- 7.6 DfE guidance (2019) recommends that in all cases where it is not clear as to whether home education is suitable local authorities should work to address the situation informally. Where parents decline a visit and do not provide other evidence of suitable education Nottinghamshire County Council's EHE team will 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)

⁵ Appendix A provides a visual representation of the Nottinghamshire process, including timetables, prioritisation of support offered and action taken if education is not deemed to be suitable

⁶ [The Education \(Pupil Registration\) \(England\) Regulations 2006](#)

- 7.7 If following an adviser visit, or the receipt or absence of other information, it is deemed that the education provision is unsuitable⁷ then support will be offered to explore options for a return to school and a referral made to the Fair Access Team, who will monitor the child's return to school and offer support, where needed, to ensure this happens. If applications are not made to school within 4 weeks then a School Attendance Order will be requested.

8. Safeguarding

- 8.1 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. 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.
- 8.2 Every practitioner, and school in Nottinghamshire working or in contact with a child has a responsibility to follow the process to report this as described in the [Nottinghamshire County Council Children Missing Education Strategy 2014](#) if they know or suspect that a child is not receiving a suitable education.
- 8.3 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](#). The duties of Nottinghamshire's EHE service in respect of safeguarding children are described in the Nottinghamshire County Council's 'Guidance to parents'.
- 8.4 Nottinghamshire's [Pathway to Provision](#) document aims to support practitioners in identifying a child, young person and family's level of need and to enable the most appropriate referrals to access support either through a referral to Children's Social Care or other agencies.

9. Maintained and independent schools and academies: roles and responsibilities

- 9.1 Schools should explore with parents all the immediate and longer-term implications of taking their child off roll. In line with DfE guidance (2019) it is strongly advised that parents confirm in writing to the school their intention to home educate to avoid misunderstanding; if no such written

⁷ Means by which suitability is determined in Nottinghamshire is outlined in [Nottinghamshire County Council's Guidance to parents](#)

confirmation is provided to the school then Nottinghamshire County Council requires the school to provide a written confirmation to the EHE service of the decisions made.

- 9.2 The school must inform the EHE Team within 14 days of the parents' 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.

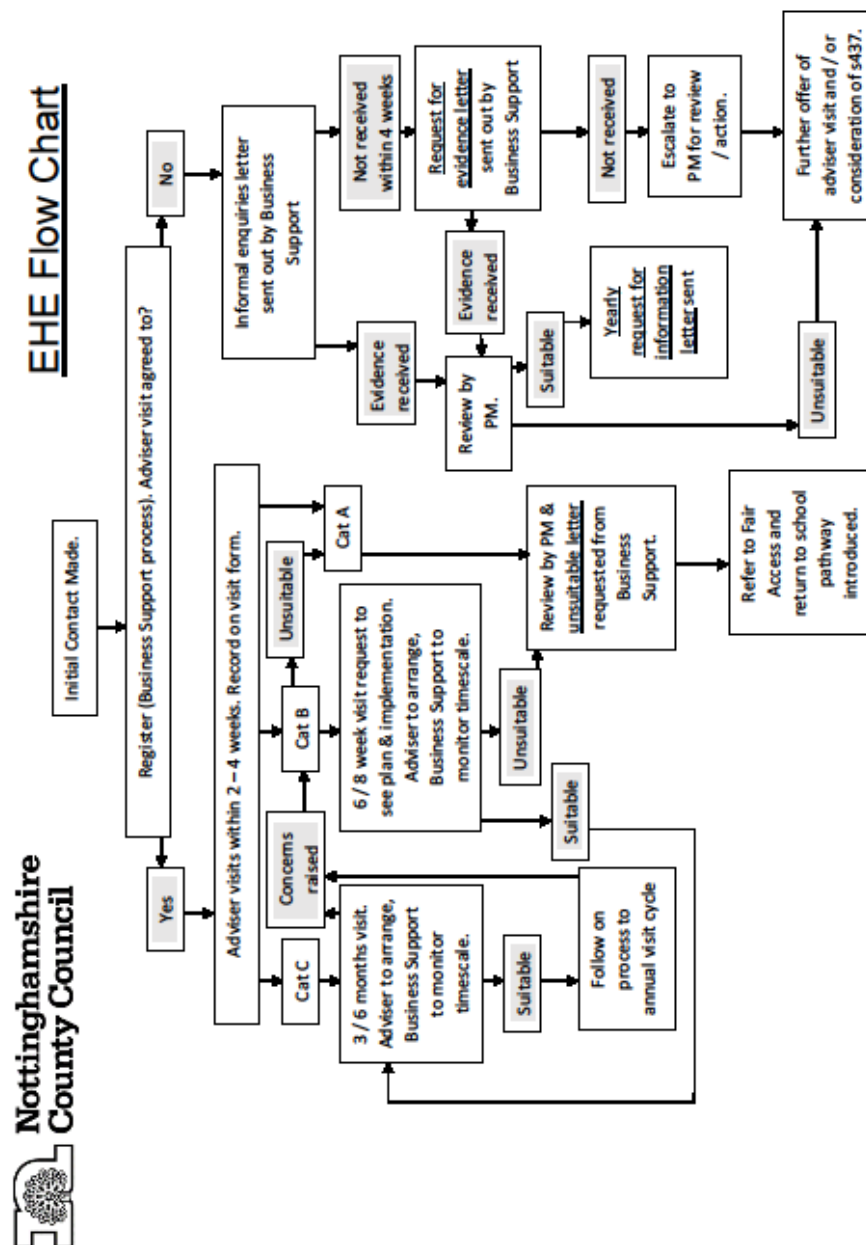
10. Monitoring and reporting arrangements.

- 10.1 Details of all children and young people who are electively home educated are maintained in a secure database within the Education, Learning and Skills Service.
- 10.2 A programme of visits, described in section 6, is undertaken by Advisers with the agreement of parents. A report on the suitability of education arrangements, based upon local authority criteria, is published to parents. Each report is quality assured by the Programme co-ordinator, who reports on outcomes to the responsible manager in the Education Learning and Skills Service.
- 10.3 A report on the children and young people who are electively home educated, detailing the numbers, reasons and quality of provision and including the number of school attendance orders and education supervision orders issued is submitted to County Councillors on a 6-monthly basis.
- 10.4 Where a child has an EHCP, the Local Authority is required to monitor the educational provision and to arrange for the statement to be annually reviewed. This review will be conducted by the Integrated Children's Disability Service.

11 Review of this policy

- 11.1 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.

Appendix A- Nottinghamshire registration, visits and suitability process



Key:

Priority A- Unsuitable or safeguarding concerns

Priority B- Concern that provision is not yet fully in place or needs adding to

Priority C- Suitable education in place

PM- Programme Manager