

Slough Borough Council Elective Home Education (EHE) Policy

September 2023/24 (draft)

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1.0 Introduction

Elective Home Education (EHE) is the term used by the Department of Education (DfE) to describe the education provided by parents at home, rather than providing education for their children by sending them to school. This is different to home tuition provided by a Local Authority or education provided by a local authority other than a school.

1.1 Slough Borough Council recognises that education is a fundamental right for every child.

1.2 Whilst the local authority encourages and supports parents to enrol their children at school, it nevertheless recognises that parents/carers have a right to educate their children at home. The Authority is committed to working in partnership with home educating parents in order to help ensure that their children are provided with efficient, full-time education suitable, to their age, ability, and aptitude and to any special educational needs which they might have.

1.3 The authority aims to build effective and positive relationships with home educating parents and their children, which are rooted in mutual understanding, trust and respect.

2.0 Policy Context

2.1 This policy is based on the legislative framework established by the Education Act 1996 and incorporates the essential principles of the Department for Education (DfE) Elective Home Education Guidelines for Local Authorities published in 2007 (revised and reissued in March 2013 and April 2019).

2.2 This policy has also been developed in the context of the duty placed on local authorities to make arrangements to safeguard and promote the welfare of children (section 175 of the Education Act 2002)

2.3 The local authority will ensure that in discharging its EHE responsibilities it is alert and responsive to any actual or potential safeguarding concerns which may emerge, whether these concerns emerge through either the engagement, or the non-engagement, of home educating parents. Should the authority consider that any safeguarding concerns may exist in relation to a home educated child it will always consider these concerns to be of paramount importance and will act accordingly.

2.4 This policy aims to achieve an appropriate balance between the rights of parents and the responsibilities of the local authority.

2.5 This policy should be read in conjunction with SBC's EHE Procedure

3.0 Legislative Framework

3.1 Parents have a legal duty under **Section 7 of the Education Act 1996** to cause their children to receive efficient full-time education suitable to their age, ability and aptitude and to any special educational needs which they may have, "either by

regular attendance at school or otherwise". (The phrase "or otherwise" can mean "at home".)

3.2 The term "efficient" can be defined as "achieving what it sets out to achieve."

3.3 The term "full-time" has no current legal definition. Children normally, however, attend school for between 22 and 25 hours a week for 38 weeks a year, but this measurement of "contact time" may not be relevant to EHE where there is often almost continuous one-to-one contact and education may take place outside of normal "school hours".

3.4 The term "suitable" can be defined as "if it primarily equips a child for life within the community of which he is a member, rather than the way of life in the country, as long as it does not foreclose the child's option in later years to adopt some other form of life."

3.5 Local authorities have a legal duty under **Section 437 of the Education Act 1996** to act "if it appears" that a child of compulsory school age in their area is not receiving suitable education.

4.0 Responsibilities of Parents

4.1 The responsibility for a child's education rests with his/her parents.

4.2 Parents who choose to home educate must be prepared to assume full financial responsibility for doing so, including bearing the cost of any public examinations.

4.3 Unless their child has an EHCP, Parents are not required to register or seek approval from the local authority if they wish to home educate their child. If the child is of preschool age parents are not required to notify the local authority of their intention to home educate, but they are encouraged to do so. If a child is on roll at a school when the parents choose to home educate the parents must write to the headteacher of the child's school, stating an intention to home educate. Once the headteacher has received this written notification he/she must, notify the local authority before deleting the pupil off school roll. Having informed their child's school of their intention to home educate parents are not required to notify or contact the local authority but are nevertheless encouraged to do so.

4.4 If the child concerned has an EHCP and is on roll at a mainstream or special school, the parents must obtain the agreement of the local authority's SEND team before they remove their child from their current education setting and proceed with EHE. The child's name will only be removed from school roll when an Early Annual Review has taken place the SEND service are in agreement with the EHE arrangement

4.5 If a child is on roll at a school as a result of the local authority having previously served a School Attendance Order the parents must apply to have the order revoked before the child's name can be removed from the school roll.

4.6 As will be explained below, the local authority is encouraged as per the current EHE- Guidance for LA's April 2019 to make informal enquiries of home educating parents and to ask for information. Home educating parents are under no legal duty

to respond to such enquiries or to provide such information, but the guidelines nevertheless suggest that “it would be sensible for them to do so”.

4.7 Similarly, the local authority may offer a home visit or a meeting with home educating parents, but again home educating parents are under no legal duty to agree to such a visit or meeting. DfE guidelines make it clear that when parents choose not to agree to a home visit or to any other form of meeting between the local authority and themselves this does not of itself constitute a ground for concern about the education provision being made. (Should home educating parents, however, *persistently and repeatedly* decline to respond to all reasonable enquiries made by the local authority, the authority may, in certain circumstances, consider that it is unable to satisfy itself that the child is in receipt of suitable education, and may consider the need for further action on its part. See 5.9 below.)

5.0 Responsibilities of the Local Authority

5.1 The local authority is responsible for ensuring that it has a clear and easily accessible EHE policy which sets out the legal position, establishes clear and fair procedures and explains the respective roles and responsibilities of the local authority and home educating parents.

5.2 The authority will endeavour to establish positive and supportive relationships with home educating parents, recognising that home educating parents adopt a rich and diverse range of approaches to home education and use a variety of philosophies and methods.

5.3 Regarding its involvement in EHE the local authority’s primary interest lies in the suitability of the provision which home educating parents make, not their reason for choosing to home educate.

5.4 If, however, it appears likely or possible that a parent may have chosen to home educate, not as a positive choice, but in response to, for example, a one-off incident at school or as a means of avoiding an issue of schooling, such as attendance or behaviour, the local authority may suggest to the parent that a meeting be held at the school where the child is/was previously on roll to confirm that the parent is choosing to home educate for positive reasons and that the decision to home educate is being made in an informed and considered way with the child’s best interests as the prime consideration. (There would be no intention of trying to dissuade the parent from choosing to home educate and the parent’s participation in such a meeting would be entirely voluntary. If the parent declined to agree to such a meeting, then the suggestion would not be pursued further).

5.5 Once it has been made aware of a child being home educated the local authority will contact the parent and suggest ways in which they might demonstrate that the education being provided is suitable.

5.6 The local authority notes that whilst some home educating parents choose to submit a written report/workplan to demonstrate that the education which they are providing is suitable, the authority believes that such reports/workplans have limitations in terms of any judgement which the authority might be called upon to make - from an education (as well as a safeguarding) perspective. As a form of assistance and to carry out the LA duty “of ensuring all known children in the Borough receive suitable education” (Section 436A, Education Act 1996) , the LA will contact

parents initially to discuss the decision for EHE, followed by further contact through a meeting with the parent/s and child conducted by a qualified teacher who will assess the education in place.

5.7 The local authority will endeavour to give home educating parents every opportunity, over a reasonable period, to demonstrate that they are providing a suitable education. The authority will ensure that its attempts to secure information from home educating parents are reasonable and proportionate.

5.8 The local authority does, however, as noted above (3.5), have a legal duty under **Section 437 of the Education Act 1996** to act “if it appears” that a child of compulsory school age is not receiving suitable education. If it appears that a child is not in receipt of suitable education the local authority will serve a School Attendance Order. Prior to taking any such formal action the local authority will always, unless there are exceptional circumstances, attempt to address the situation informally.

5.9 Should home educating parents *repeatedly and persistently* refuse to respond to its informal enquiries the local authority may, in certain situations, consider that this is evidence that no provision is in place. In such circumstances, the authority may consider whether it is necessary to serve a **School Attendance Order**. Such an Order would only be served after all reasonable steps had been taken to resolve the situation. DfE guidance on SAO’s can be cited via [DFE SAO guidance](#).

5.10 Whilst the local authority has no statutory duty to monitor the quality of home education on a routine basis it will nevertheless offer to visit or meet with home educating parents (and their children) at regular, mutually agreeable intervals. The local authority sees its role in relation to home education as part of its wider responsibilities, including safeguarding, to all the children in its area.

5.11 The local authority recognises that any assessment it might make as to the suitability of the education which a home educated child is receiving, based on an annual visit/meeting of perhaps an hour’s duration or on a consideration of whatever documentary information is presented by the parents, will inevitably be partial, limited and incomplete. In such circumstances, the local authority can only assess whether the education which an individual home educated child is receiving *appears* to be efficient, full-time and suitable to the child’s age, ability and aptitude and to any special educational needs which he/she may have.

5.12 If the local authority establishes that the child is no longer residing within Slough, the EHE officer will attempt to locate the new address. If we are unable to ascertain a current address, our EHE officer will then take the routine steps to contact other agencies to try and identify a home address so that we can alert colleagues in the new Local Authority (LA). (*Part 1 (Clause 4) of the Education and Inspections Act 2006 introduced a statutory duty for Local Authorities (LAs) to make arrangements to establish the identities of Children Missing Education (CME)*) we will close the child/ren as being EHE and record the child/ren as ‘Children Missing Education (CME) whereabouts unknown’ will follow SBC’s Children Missing Education Policy and Procedures.

Further guidance can be found by at the [DFE CME guidance](#).

6.0 Responsibilities of Schools

6.1 Schools should not advise or recommend that parents home educate, especially if a child is experiencing difficulties at school.

6.2 Should a parent notify a school that he/she intends to home educate the school should notify the EHE Officer of this information and ensure that this request is confirmed in writing by the parent. Should the child concerned have an EHCP, the school must consult with the local authority's SEND Team and complete an early annual review to jointly agree the suitability of EHE provision.

6.3 Upon receipt of this written request the school should formally notify the Local authority using SBC's EHE referral form. *In Slough we advise, as good practice, that schools allow a 'cooling off' period of 20 school days to enable the parent to be given advice, independent of school, (by the EHE Officer(s)) about their options and the implications of any decision before the school place is available for re-allocation. In some circumstances the LA may wait for assessment of the EHE to be carried out e.g. where there are underlying safeguarding concerns, where necessary this may also involve advice to the school to complete a MARF to SCF (See Section 8).*

7.0 Children with Special Educational Needs (SEN)

7.1 Parents of a child with special educational needs have an equal right to home educate, if they so choose. As stipulated within KCSIE 2023, 'where a child has an EHCP, the local authority will need to review the plan whilst working closely with parents'.

7.2 As noted above (4.4), however, if a child has an EHCP and attends a mainstream or special school the agreement of the Local authority (SEND Team) must be obtained before that child's name is removed from the school roll.

7.3 When a home educated child has a statement of SEN/EHC plan, the local authority remains responsible for ensuring that the child's needs are met and for maintaining the Statement/Plan and reviewing this annually. The Special Educational Needs & Disability Team, will be responsible for arranging statement/plan reviews.

7.4 The local authority will, therefore, only agree to a child's name being removed from the roll of a special school when it has satisfied itself that the parents are able to make the provision specified in the Statement/Plan.

7.5 If the local authority SEND Team considers that the provision specified in the statement/plan can only be properly made by the school at which the child is enrolled (or at another similar school) it will decline the request for home education and recommend to the parents that the child returns to that school and will decline to give its agreement to the child's removal from roll. If a parent refuses to send their child to the school identified by SEND, the parents may be subject to a School Attendance Order.

7.6 In some cases a combination of provision by parents and the local authority may best meet the child's needs. In such circumstances the local authority will discuss

this with the parents and an educational programme agreed accordingly. This programme will be monitored on a regular basis.

8.0 Safeguarding

8.1 Under Section 175 of the Children Act 2002, the local authority has a general duty to safeguard and promote the welfare of children. The local authority has powers to enable it to insist on seeing children to enquire about their welfare where there are grounds for concern. Such powers, however, do not give the local authority the ability to see and question children who are being home educated in order to establish whether they are receiving a suitable education.

8.2 The local authority will, nevertheless, aim to discharge its safeguarding functions in relation to home educated children by attempting to engage proactively with all home educating parents and will always seek to see, speak with and ascertain the views of children who are home educated.

8.3 Whilst the local authority recognises that children who are home educated are no more likely to be the subject of abuse or neglect than are children who attend school, the local authority nevertheless notes the particular circumstances of home educated children.

8.4 Should any safeguarding concerns emerge in the course of engagement with home educating families, or in consequence of a lack of engagement, these concerns will be raised with relevant partners and, if deemed to have met the threshold of need and intervention, a referral will be made to the appropriate service i.e. children's social care. Whilst a failure to respond to the informal enquiries of the local authority will not in itself be seen as evidence of safeguarding concerns, a repeated and persistent failure to respond, together with other contextual information, may in certain circumstances cause the local authority to consider the need for further action.

8.5 If the parents of a child who is subject to a Child Protection Plan (CPP) declare an intention to home educate, the local authority will usually oppose this, unless it can be demonstrated that home education will be in the child's best interests and will not prejudice the effective implementation of the child's CP plan.

8.6 This policy and the multi-agency protocols stipulated within this document, does not replace any of the local safeguarding board (LSCB) multi-agency procedures and are to be used in conjunction with them.

Existing safeguarding procedures and mechanisms for reporting and recording any safeguarding and child protection concerns are to be followed at all times whilst understanding the increased risks to children who are missing from education.

If at any point there is reason to believe a child is in immediate danger or at risk of harm, a MARF (multi-agency referral form) should be completed and returned via Slough Children First front door which is the single point of contact for all safeguarding and wellbeing concerns regarding children and young people in Slough. Also where appropriate, agencies can contact the police directly in accordance to their internal Safeguarding Procedures.

9. Review and Publication for the Policy

- A review of the policy will take place annually or more frequently in light of future legislative changes.
- The policy will be shared with all Slough schools and partner agencies and is available on the Slough Borough Council Website

10. Management of SBC's EHE Policy

- Strategic oversight of this Policy sits with the SBC's Associate Director of Education & Inclusion.
- Operational delivery of this Policy sits with the SBC's Attendance Manager.
- This Policy is shared SBC's Children's Safeguarding Board .

11. SBC - Attendance Service Contact Details

Attendance Manager:

Anjli Sidhu

Tel: 07395 258177

Anjli.Sidhu@slough.gov.uk

Attendance/CME Officers

Iram Basharat

Tel: 07540 163520

Sharon James

Tel: 07871 982884

Thandiwe Manjelo

Tel:

Samantha Da Costa

Tel: 07523 936059

Diba Hussain

Tel: 07749 708439

Referrals for School Attendance Queries:

Attendance Service Main Line:

01753 787670

Attendance Service Email:

attendance@slough.gov.uk

For CME & EHE Queries:

Pupil Tracking Main Line:

01753 787670

Pupil Tracking Email:

pupiltracking@slough.gov.uk

12. Useful Contacts

Slough School Admissions

01753 875728

admissionshelpline@slough.gov.uk

<https://www.slough.gov.uk/school-admissions>

SEND Team

01753 787676

sendteam@slough.gov.uk

Slough SENDIASS Service

01753 787693

Sendiass@slough.gov.uk

<https://www.sloughsendiass.org.uk/>

Family Information Service

01753 476589

fis@slough.gov.uk

[Slough Family Information Service website](#)

Slough Children First –

01753 476562 - For General Enquiries

Early Help Hub

01753 875362 – For immediate referral

Sloughchildren.referrals@sloughchildrenfirst.co.uk

01344 786543 –Emergency Duty Team (out of hours)

EDT@bracknell-forest.gov.uk

[Early Help Hub webpage \(Slough Family Information Service website\).](#)

Police

999 – to report immediate risk

101 – for non-emergency queries

Appendix A

School to discuss parent choice of EHE.

Address any concerns.

Ensure parent is clear on their **full** responsibility of EHE (financial, resources, exams)



LA notified of Parent intends to EHE by school or parent – written (preferred)

School completes CME with notification from parent.



EHE details uploaded to system.

LA checks all databases and systems e.g. ICS, EHM – contact agency if required.

Contact parent to confirm EHE and establish reasons and notify of legal responsibility

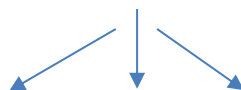


LA to refer Pupil to EHE Teachers (outsourced : Littledown; SEBDOS)



Teachers contact parents to assess EHE in place within 6 weeks of referral:

- Teachers RAG rated report
- If parents refuse visit, parent report requested
- If parent **does not** comply – rated inadequate



Adequate

- Annual visit scheduled

Requires support

- Further A and G given
- Follow up visit/call

Inadequate

- School place offered by LA
- If rejected, considered for legal action: School Attendance Order

Next steps

Fair Access EHE Child returns back to original school

Parent can apply for a school place any time but Fair Access Protocol in place for EHE returning to FT edu.