

**Slough Borough Council**  
**Elective Home Education (EHE)**  
**Procedure**  
**SEPTEMBER 2023 (draft)**

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## 1. 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.

This document is intended to detail:

- The legal position with regard to Elective Home Education (EHE)
- Stipulate EHE procedures specific to SBC
- Establish clear, transparent processes for schools and parents.

This document should be read in conjunction with SBC's EHE Policy.

## 2. Statutory Framework

**2.1** In England, education is compulsory, but attending school is not. [Section 7 of the Education Act 1996](#) states that:

Some parents choose to do this by educating their children at home. An "efficient" and "suitable" education is not defined in the Education Act 1996 but "efficient" has been broadly described in case law as an education that "achieves that which it sets out to achieve", and a "suitable" education as one that "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 a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so".

**2.2** [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 in conformity with their own religious and philosophical convictions.**

**2.3** 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”.)

**2.4** The DfE's published departmental guidance for Local Authorities/Schools (2019) makes it explicit that: 'Schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them.' Local authorities and Schools should work together to ensure that every child has access to their right to a full-time, efficient and suitable education. This applies to Electively Home Educated children as well. However local authorities also 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 a suitable education.

### **3. Safeguarding Procedures**

**3.1** 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.

**3.2** 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.

**3.3** 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.

**3.4** 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.

**3.5** 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.

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.

### **4. EHE Guidelines for 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** 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.

**4.4** If a child is on roll at a school when the parents choose to home educate, the parents should 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.

**4.5** 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.

**4.6** 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.

**4.7** 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".

**4.8** 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. (Refer to 5.8)

**4.9** Parents have the right to apply for a school place at any time should they subsequently decide that the EHE is not as successful as they wish it to be, however in accordance with SBC's Fair Access Protocol, children removed from the school roll for the purpose of EHE that wish to return to the school system will be expected to return to the school that they left.

**4.10** Should a home educating parent wish to make a complaint or challenge the outcome of the assessment carried by the local authority, they can do so in writing to [attendance@slough.gov.uk](mailto:attendance@slough.gov.uk).

## **5. EHE Procedures for the Local Authority**

**5.1** When Slough Borough Council first become aware that parents have elected for home education a background check is always undertaken. Any concerns may result in a referral to other agencies especially with regard to safeguarding.

**5.2.** In most cases if a child is either open to Early Help or subject to a Child Protection (CP) or Child in Need (CiN) Plan, the Attendance service would not expect home education to be suitable. However, both the child's and the parent's views will be considered, and advice sought from EH/Social Care before any decision is made. In such cases the child's plan would incorporate an assessment of the risk as a result of continuing or starting a home education provision and specific actions that need to be taken i.e. increased home visits, referral to Fair Access to identify appropriate school place. The EHE team will form part of any future agreement with the family should the case be 'stepped down'.

With regards to a child with an EHCP, 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 to 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

**5.3** Following the background checks, initial contact will be made with the family to establish that the provision that is being put into place is suitable and that a full-time education will be provided which is suitable to the child's age, ability and aptitude and to any special needs which they might have.

Although SBC has no statutory duty to monitor the quality of home education, on a routine basis, contact will be made with parents at least once a year to ask for information to keep data base up-to-date and to offer advice.

In order to enable SBC to make an initial judgement on the suitability of the education being provided by home education parents, the Education Advisory Teacher will carry out an EHE assessment.

**5.4** SBC reasonably expects the EHE provision to include the following:

- Recognition of the child's needs, attitudes and aspirations
- Opportunities for the child to be stimulated by his/her learning experiences
- Access to resources/materials required to provide suitable home education (pens, books, materials, ICT, etc.)
- Consistent involvement of parents and other significant carers
- Evidence that opportunities are planned for appropriate interaction with other children and adults.

**5.5** Various forms of evidence as to the suitability of the provision may be agreed with the parents.

Once the assessment of the home education provision has been completed a decision will be made by the Education Advisory Teacher as to whether the education which the child is received is considered to be suitable.

**5.6** If the education is considered to be suitable the parent will be notified and advised of the routine annual visits which take place to review the suitability of the

education being provided. (An annual monitoring visit/meeting will usually be suggested, unless the child is known, or previously known, to social care, or is considered to be a vulnerable child, then visits/meetings may be suggested more frequently). [The EHE officer will undertake social care checks on all EHE children at the outset.]

Commented [JS1]: We do not review social care quarterly we check at beginning only

Commented [SA2R1]: okay

**5.7** If the education is considered to be only partially suitable (at risk of being judged unsuitable), the parent will be notified. The Education Advisory Teacher will advise the parents of an appropriate timescale within which the suggested improvements should be made. The Education Advisory Teacher will ensure that the parents are given every opportunity to address any specific concerns which they have identified.

**5.8** If the education is considered to be unsuitable, the Education Advisory teacher will either:

- Recommend a return to a mainstream setting
- Schedule a re-visit to review the education provision
- Refer case to the EHE Officer, who may initiate the serving of a School Attendance Order.

**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 SAOs can be cited via the link [DFE guidance on SAOs](#).

**5.10** 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'. The EHE Officer will liaise with the LA's SEND Team for any EHE children with an EHCP or whereby a SEND assessment has been identified during the course of our communication with the child and family. In particular the Attendance team will work closely with the SEND service to resolve issues regarding non-engagement of EHE parents/carers and when an EHE child with an EHCP has been identified as receiving a unsuitable education provision.

**5.11** In cases where the Education Advisory Teacher is unable to contact a family, the record will be closed as an EHE case and opened as a Children Missing Education (CME) case. This role invokes the local authority's duty to children missing education (Refer to SBC's CME Policy).

## **6. EHE Procedures for Schools**

**6.1** In Slough we ask that parents confirm their intentions to EHE their child in writing to the current school. However, this is not compulsory meaning there are two scenarios that need to be considered in order to avoid the risk of a child missing education:

- Where parents may have indicated that they intend to home educate but have not confirmed in writing or when the school suspects that a child is being home educated, the school should immediately inform the LA. Schools should **not** remove the child from school roll until approval has been provided by the LA following their investigations. Approval will be given once the LA has established with the parent(s) that it is indeed their intention to withdraw their child(ren) from the Education system for the purpose of EHE, and that they understand what their responsibilities are.
- When a parent **formally notifies** the school that they are withdrawing their child for EHE the school is required to follow the process outlined in Section 5.1 below and then notify the Attendance Team.
- 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.

## 7. EHE Referral Process for Schools

7.1 Once a parent formally notifies the school that they wish to withdraw their child from the school roll for the purpose of EHE, it is expected that the schools carry out the following prior to a referral to the LA Attendance Team;

- Ensure that the parent's decision to EHE their child is purely a voluntary decision
- Obtain written notification from the parent of their intention to EHE their child
- Discuss the reason the parent has chosen to EHE their child
- Discuss and address any concerns that the parent has with the school / dissatisfaction with the system if this is being used as a reason for withdrawing from the school roll
- Ensure that the parent is clear on what their responsibility is when they opt for EHE.

7.2 The following should be relayed to the parent:

- Ensure that the parent understands that, in accordance with [Section 7 of The Education Act 1996](#) , they have the responsibility to ensure that their child receives "efficient, full-time education suitable to;
- His age, ability and aptitude and any special educational needs he may have either by regular attendance at school or otherwise
- Parents must be prepared to assume full financial responsibility, including bearing the cost of any public examinations
- Please note that parents are not legally obliged to confirm their intentions of their EHE however, as per Government Guidance, it would be sensible for them to do so.

7.3 Schools should **NOT** remove the child from the school roll until approval has been given by the Attendance Service or the SEND Team for a child with an EHCP – this will occur once they have carried out their investigations with the parents. **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.**

## 8. Making an EHE referral to the LA Attendance Service

To access the **EHE Referral form refer**



Complete all of Section 1

Please complete (*typed not handwritten*) and return in **Microsoft Word format** via egress to [pupiltracking@slough.gov.uk](mailto:pupiltracking@slough.gov.uk) using the following text within the subject box of the email.

'EHE referral - School Name - initial of pupil – e.g. EHE referral - Slough Secondary - JB

## **9. LA Process when an EHE Referral is received**

**9.1** Once the Local Authority receives and accepts a EHE referral, we will:

- Check all databases in relation to the child's status i.e. known to social care/early help (where this is the case the relevant case worker will be notified)
- Make contact with the parent to confirm their intentions to EHE and establish their reasons for doing so
- Notify the parents of their legal responsibilities
- Once it has been ascertained that the child will be purposely home educated, the Attendance Team will
- Notify the Home Education Advisory Teacher at Littledown of the case who will arrange an initial visit with parents in approx. 6 weeks and thereafter annually to establish the child is being suitably educated at home
- Take further action in cases where it appears that a suitable education is not being provided as per The Education Act 1996. This action may include additional visits, support and/ or enforcement against the parent (School Attendance Order)
- The LA will inform the school once the investigation has been completed and the school can remove the child from roll
- The child will be added to the borough's EHE register.

## **10. SBC - Attendance Service Contact Details**

### **Attendance Manager:**

Anjli Sidhu

Tel: 07395 258177

[Anjli.Sidhu@slough.gov.uk](mailto: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](mailto:attendance@slough.gov.uk)

### **For CME & EHE Queries:**

Pupil Tracking Main Line: 01753 787670

Pupil Tracking Email: [pupiltracking@slough.gov.uk](mailto:pupiltracking@slough.gov.uk)

## Appendix A – Elective Home Education Flow Chart

