

Elective Home Education Policy

Education Services

MARCH 2025

This policy has been developed in-line with DfE Elective Home Education guidance.

Review date	March 2027 or unless national changes occur sooner
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Introduction

This document sets out the policy and procedures to enable Warwickshire County Council (WCC) to fulfil its statutory functions regarding children who are being educated at home under Section 7 of the 1996 Education Act.

This document has taken into account the Department for Education (DfE) departmental guidance for Elective Home Education for both local authorities and for parents.

https://assets.publishing.service.gov.uk/media/5ca21e0b40f0b625e97ffe06/Elective_home_education_guidance_for_LAv2.0.pdf

https://assets.publishing.service.gov.uk/media/5ca21e22e5274a77d9d26feb/EHE_guidance_for_parentsafterconsultationv2.2.pdf

Key Principles

Warwickshire County Council (WCC) will:

1. Work to establish positive relationships with parents/carers (in partnership with schools and other professionals) to ensure we balance the rights of home educating parents with our statutory responsibilities.
2. Maintain oversight of Warwickshire children educated at home and that they are in receipt of their full education entitlement.
3. Maintain contact with home educators' dependent on individual circumstances and/or suitability of education being received on at least an annual basis.
4. Engage further with home educators via our Elective Home Education networks to further improve our practice.
5. Take the personal, health and welfare interests of individual children into account and signpost to relevant agencies where possible.
6. Ensure that if any safeguarding concerns come to light with a child who is home educated, they will be immediately referred to Warwickshire Children's and Families Front Door using established protocols.
7. To work in collaboration with SENDAR in relation to children with an EHCP who are home educated.
8. Provide written information for parents / carers in local community languages and alternative formats on request.

1.0 The law relating to Elective Home Education

- 1.1 The legal responsibility for a child's education rests with his/her parents. In England, education is compulsory, but school is not. The law is set out in the European Convention on Human Rights and the Education Act 1996.

Article 2 of Protocol 1 of the European Convention on Human Rights states that:

No person shall be denied the right to an 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 conviction.

- 1.2 Elective home education (EHE) is the term used by the Department for Education (DfE) to describe parents' decisions to provide education for their children, who are of compulsory school age, at home instead of sending them to school. This is different to home tuition and education other than at school provided by the Local Authority (LA).

- 1.3 Parents have a right to educate their children at home. Section 7 of the Education Act 1996 states that:

"The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude, and to any special educational needs he may have - either by regular attendance at school or otherwise."

- 1.4 Local Authorities do not have formal powers or duties to monitor the provision of education at home. However, it does have a duty under the same Act (Section 436A) to identify, as far as is possible, children who are not receiving a suitable education otherwise than being at school (for example at home, privately, or in alternative provision).

- 1.5 Local Authorities will make reasonable enquiries in all cases where parents are home educating in order to satisfy itself that the child(ren) concerned are in receipt of suitable education.

- 1.6 The Education Act 1996 further requires Local Authorities, in cases where it appears a child of compulsory school age is not receiving suitable education, to serve a notice in writing on the parent requiring her / him to satisfy the authority within a specified period that the child is receiving such education.

- 1.7 Current legislation around providing information is not prescriptive but WCC request parents to provide sufficient information within a reasonable period of time to ensure a suitable education is being provided. This may include a request to see the child at home (or other agreed location) as well as seeing samples of work although parents are under no legal obligation to do this. WCC may conclude that education does not meet the s7 requirement should a parent

choose not to share any information at all. Further guidance can be found on the Warwickshire's webpage at www.warwickshire.gov.uk/homeeducation

2.0 Parents rights and responsibilities

- 2.1 Section 7 1996 Education Act requires parents to provide an *efficient, full time education suitable to the age, ability and aptitude* of the child and any special educational needs which the child may have. Please refer to the glossary at the end of the document on page 17 for a full explanation.
- 2.2 Parents have a legal right to educate their child at home and are not required to have any qualifications or training to provide their children with a suitable education.
- 2.3 When parents elect to provide education at home, they are undertaking full responsibility for providing this education including all financial costs, including but not limited to the costs of private tuition, courses and public examinations.
- 2.4 Parents are not required to inform WCC that they intend to elect or have elected to home educate and are not required to seek approval from WCC unless the child has an Education Health & Care Plan and attends a special school.
- 2.5 Parents, whose child is enrolled at a school, are advised to write to the Headteacher to inform them that they are choosing to elect to home educate. Although there is no obligation for a parent to do this within EHE Guidance, it must be acknowledged that School Regulations stipulate that a school legally cannot remove a child for the purpose of elective home education without this being confirmed in writing by the parent.
- 2.6 The local authority does not have to agree that a child can be removed for elective home education unless: a) the school is a special school named on the child's Education, Health & Care Plan, in which case parents are required to seek approval from WCC/SENDAR first or (b) where a child is enrolled at a school in accordance with a school attendance order (SAO) when the authority must revoke the order (or amend it to replace the school with a different school) before the child can be removed from the roll.
- 2.7 Although parents must provide education in accordance with Section 7 of the Education Act 1996, the type of educational activity can be varied and flexible. It is appropriate that parents and children choose a type of education that is right for them.
- 2.8 Parents may consider, but are not required to:
- teach the National Curriculum
 - have a timetable
 - have premises equipped to any particular standard
 - set hours during which education will take place
 - have any specific qualifications
 - make detailed plans in advance

- observe school hours, days or terms
- give formal lessons
- mark work completed by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school based, age specific standards

2.9 Where parents arrange a tutor, they continue to be responsible for the education provided. It is recommended that parents also ensure that such people are qualified and suitable, including Disclosure and Barring Service (DBS) checks.

3.0 The Local Authority's Responsibilities

3.1 WCC believes every child and young person should reach their full potential. We are supportive of parents/carers who opt to educate their child at home who share this aim and have chosen to approach it through home education.

3.2 WCC has a statutory duty, under section 436A of the Education Act 1996 to make arrangements to enable them to establish (so far as it is possible) the identities of children in their area who are not receiving a suitable education. This duty applies to all children of compulsory school age who are not on a school roll and do not appear to be receiving a suitable education other than being at school.

3.3 Should it be established that a child is not receiving suitable education for his or her age, ability and aptitude, in the first instance WCC will offer advice and guidance in order to support parent/carers with the home education. However, it remains the responsibility of the parents/carers to ensure that a suitable education is in place.

3.4 Where there is ambiguity in making a judgement defining the suitability of the education, WCC as a minimum will ask to see evidence of literacy and numeracy.

3.5 If there continues to be unsuitable education in place, then WCC would provide parents/carers with the opportunity to take appropriate steps to ensure their child is in receipt of a suitable education.

3.6 If parents/carers do not ensure that a suitable education is in place, then under section 437 of the Education Act 1996, WCC may commence proceedings to serve a formal notice. The formal notice requires the parent to satisfy the Local Authority that the child is in fact receiving suitable education. If the LA does not accept the evidence and is not satisfied that the child is receiving a suitable education, it has the power to commence the statutory

process for the issue of a School Attendance Order ('SAO') requiring the parent to register the child at a named school.

- 3.7 WCC has no legal power or duty to monitor home education on a routine basis although we will make enquiries if it is not clear that a child is receiving suitable education. The expectation on the LA is to make contact with parents/carers who are educating their child at home ordinarily on an annual basis so we can satisfy ourselves on the suitability of the current education provided. WCC may seek to carry out more than an annual check if there are concerns.
- 3.8 WCC maintains a voluntary EHE register. This register is derived from the completion of a Family Information Form that all newly home educating families are asked to complete. WCC will use this to help us discharge the responsibilities we have under sections. 436A and 437 of the 1996 Act.

4.0 Responsibilities of Warwickshire schools (including academies and independent schools)

- 4.1 Schools should not advise or recommend that parents home educate, especially if a child is experiencing difficulties within the school environment. This could be seen as 'off rolling' and would be a cause for concern for WCC. There is a requirement for Local Authorities to share the details of schools with Ofsted where off-rolling appears to be happening so that this can be looked into at the school's next inspection.
- 4.2 If a school becomes aware that a parent is considering EHE for their child/ren, the school should notify the EHE team within Warwickshire in order for contact to be made with the family if needed. Schools should signpost parent to our webpage www.warwickshire.gov.uk/homeeducation and share our EHE Parent Leaflet with them at the earliest opportunity.
- 4.3 If the child is on roll at a school and parents make the decision to home educate, they (the parent/carer) should write to the Head Teacher to request that the child is removed from the school roll/admissions register for home education. WCC encourages parents/carers to inform them directly of their intention to withdraw their child from a school roll.
- 4.4 Schools (under Sections 8(1) (d) and 13(3) of the Education (Pupil Registration) Regulations 2006) have a duty to inform the LA when a parent notifies them of their decision to home educate. Schools must do this by completing the WCC School Exit Form, which must be comprehensive and fully completed with relevant and up to date information.

- 4.5 The only exception to this is where the child is attending a special school under arrangements made by the LA; additional permission is required from the LA before the child's name can be removed from the school register. WCC SENDAR Team endeavour to make this a short and uncomplex process and would not withhold consent unreasonably.

5.0 EHE and Safeguarding

- 5.1 The welfare and protection of all children and young people, both those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community. Section 175 of the Education Act 2002 imposes a duty on the Local Authority to make arrangements for ensuring that the functions conferred on them are exercised with a view to safeguarding and promoting the welfare of all children and young people resident in Warwickshire. This section states:

“A Local Education Authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a Local Education Authority are exercised with a view to safeguarding and promoting the welfare of children.”

- 5.2 Local Authorities do not have the authority to see and question children subject to elective home education in order to establish whether they are receiving a suitable education. However, Local Authorities have general duties to make arrangements to safeguard and promote the welfare of all children and young people (section 175 Education Act 2002 in relation to their functions as a Local Authority and for other functions in section 10 and 11 of the Children Act 2004). These powers allow Local Authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern (sections 17 and 47 of the Children Act 1989).
- 5.3 WCC requires all Warwickshire schools to share any concerns or known risks about a child together with attendance and exclusion history at the time of notification via the Warwickshire EHE School Exit Form.
- 5.4 If a school has safeguarding concerns around a child being removed for home education, they are expected to liaise closely with Children's Services to raise their concerns and offer the most appropriate support. Schools should notify a child's Social Worker when their name is being deleted from the admissions register.
- 5.5 WCC will follow Children's and Families Family Connect processes at all times and work with relevant agencies and individuals to proactively safeguard and promote the welfare of children. In the event of any concerns about the welfare of a home educated child, WCC will initiate and follow established procedures. We will explain the reasons for any welfare concerns to the parents in accordance with referral procedure unless this poses a significant risk to the child.

5.6 WCC acknowledge that parents can decide to EHE at any time. However, where a child is made subject to a child protection plan, or is currently subject to a child protection plan, or is child in need, WCC will inform the relevant social worker and share relevant information.

5.7 The EHE Caseworker will work in partnership with Children's Services in relation to any electively home educated child that is known to them. This will include attendance at any relevant Children's Services meetings.

6.0 Children not known to the LA and Children Missing Education (CME)

6.1 The risk to children becoming missed and 'invisible' to WCC/schools and other agencies should always be considered and that not all home educators are known to the LA.

6.2 The statutory guidance [Children Missing Education \(August 2024\)](#) sets out the key principles to enable local authorities in England to implement their legal duty under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education (CME). Section 436A of the Education Act 1996 states:

'local authorities need to make arrangements which will as far as possible enable them to determine whether any children who are not pupils at schools, such as those being educated at home, are receiving suitable education. In order to do this, local authorities should make inquiries with parents educating children at home about the educational provision being made for them.'

6.3 Warwickshire County Council has effective tracking and enquiry systems in place and an appointed person (CME Casework Officer) to whom schools, other agencies and the public can make referrals regarding children who they believe are missing from education.

6.4 The primary of role of CME is to establish the whereabouts of a child who is believed to be missing from education using a variety of mechanisms to confirm whether such children remain resident within Warwickshire or whether they have left the county.

6.5 CME will liaise with schools, other local authorities, other council services and use council data to identify, monitor and track children back into education

6.6 WCC maintains a database of children missing education (CME). This includes any child identified as not on a school roll but have not formally confirmed that they are home educating. WCC education database is

amended to reflect the new arrangements for the child once contact with the parent has been made.

Visit the link for further information or to find out about how to make a referral for a child who is missing education.

<https://www.warwickshire.gov.uk/childrenmissingeducation>

7.0 Special Educational Needs (SEN)

- 7.1 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 an Education, Health and Care Plan (EHCP) or not.
- 7.2 Parents of any child subject to the statutory provisions of an EHCP who are considering whether to make their own arrangements should discuss this with their child's school SENCo and WCC Plan-Co to ensure that they are fully aware of alternatives (amended provision and/or change of placement) and their SEN statutory rights of appeal.
- 7.3 Parents considering elective home education may wish to familiarise themselves with paragraphs 10.30 to 10.38 of the SEND Code of Practice January 2015. [SEND Code of Practice January 2015.pdf](#)
- 7.4 Where a child or young person with an EHCP is a registered pupil at a mainstream school, the parent should notify the school in writing that the child or young person is receiving home education and request that they are removed from the school roll.
- 7.5 Where a child or young person is a registered pupil and the parent decides to home educate, a review of the EHCP plan should happen as soon as possible. The EHE Team will liaise closely with SENDAR to ensure that the Plan Co-ordinator for a child is aware that they are now home educated.
- 7.6 If the child attends a specialist provision, in order for home education to be agreed, WCC SENDAR **must** undertake an annual review to give consent for the child's name to be removed from the school role.
- 7.7 Where a Warwickshire child has an EHC plan and is educated at home, it remains the LA's duty to maintain and review the education being delivered at home on an annual basis. This will be undertaken jointly between the home education team and the Plan-Co.
- 7.8 Where it appears to WCC SENDAR Team that a child is not receiving education suitable to age, ability and aptitude and SEN, appropriate measures will be taken to consider returning the child to a school setting via the consultation process. If the EHC plan remains in place, it will be maintained and reviewed annually and amended where appropriate.

7.9 A parent who is educating their child at home may ask the LA to carry out an EHC Needs Assessment of their child's special educational needs and the LA will consider the request within the same statutory timescales and in the same way as for all other requests.

8.0 Support, guidance and resources provided by WCC

8.1 Advice and guidance by telephone and email Monday to Friday across the year via the EHE Team.

8.2 Signposting families to resources, services and established home educators i.e. Warwickshire Family Information Service, and Warwickshire schools health and wellbeing service.

8.3 Publishing information on our website about EHE that is clear, accurate and sets out the legal position, roles and responsibilities of both the LA and parents.

8.4 Discussing the implications of EHE with parents before they make the decision to leave or enter the school system.

8.5 Carry out annual checks in line with statutory guidance. Producing accurate written reports of visits.

8.6 Access to up to date information via our web pages and our Facebook page and the opportunity to network with other home educators via the Warwickshire Networking events held throughout the year

8.7 Promoting positive relationships with elective home education families based on mutual understanding, respect and trust in order to safeguard the educational interest of children.

9.0 Children who are in care

9.1 Warwickshire County Council acts as a corporate parent assuming the duties of a parent under s.7 of the 1996 Education Act to ensure that the child receives a suitable full time period of education.

9.2 It is legally possible for a child who is looked after to be educated at home, (for example by a foster carer), however we would not advocate this nor expect it to occur.

10.0 Serving a formal notice

10.1 Where no other information suggests that the child is being suitably educated, because there is no information provided and where the parents have refused to respond to the LA, the only conclusion WCC can reasonably come to, is that the home education does not appear to be suitable.

10.2 Where it appears to WCC that a suitable education is not taking place, reasonable steps to resolve the situation will be taken before the School Attendance Order statutory process is commenced:

This will include

1. A letter outlining the concerns will be sent to the parents, specifying grounds for concerns and identifying reasons to conclude that the provision is unsuitable.
2. Allow the parent the opportunity to address the identified issues and recommendations for improvements within a mutually agreed timescale. These should be discussed and agreed with the parent and confirmed in writing within the child's record on WCC database. Parents must satisfy WCC, that their child is receiving education suitable to his/her age, ability and aptitude and to any special educational needs he/she may have.
3. A referral to the Family Information Service/Early Support will be offered to help support the family, where safeguarding or family support needs have been identified.
4. After the agreed timescale for improvement, if the education is still believed to be unsuitable and the parent refuses to apply for a school place, then WCC will issue a formal notice under section 437 of the Education Act 1996. If the situation does not change, the statutory process for issuing a School Attendance Order will commence. This notice indicates the LA's intention to formally order the parent to register the child at a school. It will identify school(s) the LA deems suitable and allow the parent 15 days to propose alternatives.
5. If the parent does not respond, or does not make satisfactory arrangements elsewhere, the LA may issue a SAO in accordance with its stated intention. Failure to comply with a SAO is a criminal offence for which the parent(s) can be issued with a penalty notice or prosecuted in the Magistrates' Court.
6. At any stage following the issue of a SAO, parents may present evidence to the LA that they are now providing suitable education and apply to have the Order revoked. If this is refused, parents can choose to refer the matter to the Secretary of State for Education.
7. If as a last resort, the LA prosecutes parents for failure to comply with a SAO, the parents may be acquitted if they can prove that the child was receiving a suitable education otherwise than at school at the time of the offence. If the parents are acquitted, the court may direct that the SAO shall cease to be in force.
8. If it transpires information has been deliberately withheld from the LA, and the parent is easily able to satisfy the court, WCC may 'seek legal advice about the prospect of obtaining a costs order against a successful defendant on the basis that the prosecution would have been unnecessary if not for the defendants' unreasonable conduct'.

11.0 How to comment or complain

- 11.1 If you would like to leave feedback, comment, or compliment please use the online customer feedback form [customer feedback form](#)
- 11.2 Unfortunately, despite our best efforts, things do occasionally go wrong. In these circumstances, we want to make it as simple and quick as possible for you to raise concerns with us. We will investigate all the complaints we receive and respond as quickly as possible, as well as learning from your feedback. [Customer feedback and complaints](#)
- 11.3 Please find our complaints policies [Complaints policy \(PDF, 244 KB\)](#)

References

Elective home education – guidance for local authorities

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LA

Elective home education – guidance for parents

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791528/EHE_guidance_for_parentsafterconsultationv2.2

Children missing education – statutory guidance for local authorities

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidan

<http://www.legislation.gov.uk/ukpga/1996/56/contents>

GLOSSARY

Compulsory School Age (England and Wales):

- A child begins to be of compulsory school age on the start date of the term following his/her fifth birthday, or that day if his/her fifth birthday falls on the day term starts.
- A child ceases to be of compulsory school age on the last Friday in June in the academic year in which he/she reaches the age of 16 or if he/she reaches 16 after the last Friday in June but before the start of the new school year.
([Section 8, Education Act 1996.](#))

EHE – Elective Home Education

EHCP – Education Health and Care Plan

FAMILY CONNECT – [Children's social care – Warwickshire County Council](#)

FLEXI-SCHOOL – an arrangement where a child receives part of their education at school and part at home. It is an agreement between the school and parents. The school would need to mark the register with code C (authorised absence) where pupils are home educated during school hours, e.g. as part of a flexi-schooling arrangement. The DfE Home Education Guidelines states "Pupils who are being flexi-schooled should be marked as absent from school during the periods when they are receiving home education," (p35, Section 10.8). these children remain on the roll of the school and attend the school part-time.

LA (Local Authority) -. For the purpose of this policy the LA referred to is Warwickshire County Council.

SENDAR - <https://www.warwickshire.gov.uk/directory-record/55/sendar>

SENDIAS - <https://www.kids.org.uk/warwickshire-sendias-front-page>

Suitable Education - There is no definition of a 'suitable' education in English statute law although 'suitable' education has been described 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*'.

To support the LA to reach the decisions called for in s.437 of the Education Act 1996 as to the suitability of education, DfE guidance for LAs (April 2019) suggests that the term 'suitable' should be seen in the following light:

- It enables a child to participate fully in life in the UK by including sufficient secular education
- It supports the development of the local and wider community (s.13 of the Education Act 1996) and promotes the welfare and safeguarding of children (s.174 of the Education Act 2002).
- It includes opportunities for literacy and numeracy development

- It seeks to promote meaningful contact with peers and to reduce risks of isolation
- It takes place within environments that are supportive of learning, (e.g. takes place in accommodation that is not noisy or cramped) and safe (e.g. no fire hazards in the home)
- Inclusion of one or more of the following would constitute clear evidence of 'suitable' education (although not a legal requirement): follows the National Curriculum, provides a broad and balanced curriculum, or follows the independent school standards prescribed by the Secretary of State

Full-Time Education - There is no legal definition of full-time in terms of education at home or at school. Children attending school normally have about 5 hour's tuition for 190 days a year, spread over 38 weeks. Home education does not have to mirror this. However, in making a judgement, the LA will consider that children of compulsory school age usually receive about that quantity of education described.

Parents should enable the LA to assess the overall time devoted to home education on the basis of number of hours per week, and weeks per year. Education which occupies a significant proportion of a child's life will probably meet the s.7 requirement. The LA will use discretion in reaching a judgement as home education is often more flexible than mainstream schooling and includes continual one-to-one contact, and education outside of normal school times and during holiday periods.