

**Elective Home Education (EHE) Policy and Processes**

1. **Introduction**

Parents have a right to educate their children outside the school system if they so wish. Elective home education (EHE) is the term used to describe a parental decision to provide education for their children at home instead of sending them to school. This is different to home tuition provided by a local authority or education provided by a local authority other than at school. Rotherham Metropolitan Borough Council (RMBC) recognises and respects the rights of parents to electively home educate.

1. Elective home education and Local Authority (LA) duties are described in the Education Acts of 1996 and 2002 with references to other related regulations, including safeguarding children. Details of the relevant pieces of legislation can be found at:

<http://www.legislation.gov.uk/ukpga/1996/56/contents> <http://www.legislation.gov.uk/ukpga/2002/32/contents>

Other relevant Department for Education (DfE) advice, guidance and statutory guidance is referenced in full within the documents at:

<https://www.gov.uk/government/publications/elective-home-education>

1. This policy and processes document revision has been prompted by guidance issued by the Department for Education (DfE) in April 2019 and is referred to as ‘2019 Guidance’ within this document. Although the legal position has not changed, the 2019 Guidance offers further clarity to all parties.

<https://www.gov.uk/government/publications/elective-home-education>:

For Local Authorities: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_gudiance_for_LAv2.0.pdf>

For Parents: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791528/EHE_guidance_for_parentsafterconsultationv2.2.pdf>

1. Rotherham Metropolitan Borough Council adopts the DfE 2019 Guidance referred to above in section 3 for EHE work locally. The 2019 Guidance document sets out the legal framework and responsibilities of all partners.
2. From this point forward, this document outlines RMBC operating procedures in order to meet the statutory duties in-line with the 2019 Guidance.
3. **Objectives**
	1. **Children and Young People’s Services vision*:***

*Working with Rotherham’s children, young people and families to be resilient, successful and safe.*

* 1. The objectives of this document are to outline how RMBC meets its statutory duties in relation to EHE and requires that:
		1. All partners have regard for the legal framework that governs a parent’s/carer’s decision to elect to home educate their children.
		2. All partners have regard to issues of cultural diversity and how religious or ethnic factors may impact on a parent’s decision to educate their child outside of DfE/Ofsted registered education provision (Schools (mainstream and special), Academies, pre-16 colleges, University Technical Colleges, Pupil Referral Units or other alternative education & training providers funded via the Government’s Education & Skills Funding Agency (ESFA).
		3. All partners accept that the procedures in this document will provide a secure framework for sharing information where parents have elected to home educate.
		4. All partners accept that each must take appropriate action, compliant with their statutory responsibilities.
		5. All partners ensure that the requirements of the General Data Protection Act (GDPR) 2018 are met in relation to information exchange and that information sharing agreements are adhered to. Information sharing agreements are held by the Information Team and appropriate Information Asset Owner.
1. **Parental rights and responsibilities**

7.1 Parents may elect to home educate at any stage up to the end of

compulsory school age. They must ensure that their children receive

suitable full-time education for as long as they have elected to educate

them at home.

7.2 The current legislative framework for elective home education is relatively permissive and acknowledges that parents’ education provision will reflect a diversity of approaches, methods, and interests. Some parents may provide education in a formal and structured manner which follows a traditional curriculum and uses a fixed timetable that mirrors school hours and terms. Other parents may decide to make more informal provision that is responsive to the developing interests of their child. EHE officers appreciate families may chose to educate their children in different ways and this will be acknowledged.

7.3 A parents right to educate their child at home applies equally where a child

has Special Educational Needs (SEN).

7.4 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 are strongly advised to register their child with the Council’s Elective Home Education team. However, parents must have the local authority’s agreement to withdraw their child from school if the child has an Education, Health and Care Plan (EHCP) and attends a special school.

7.5 Parents are not required to have any qualifications or training to provide

their children with a suitable education.

7.6 Parents may choose to employ other people to educate their child, though

they themselves will continue to be responsible for the education provided.

7.7 Parents will also be responsible for ensuring that anyone they engage in the education of their child is a suitable person to have access to children and that their child is not attending an unregistered setting.

7.8 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.

1. **Terminology - for the purposes of this document and in-line with DfE Guidance:**

Reference to *“Informal”* refers to support, advice, and requests for information to demonstrate that a suitable education is being provided and is prior to any action under section 437 of the Education Act.

Reference to *“Formal”* refers to notice and action served under section 437 of the Education Act.

1. **RMBC organisation of Elective Home Education (EHE)**
	1. Elective Home Education duties sit within the Children and Young Peoples Services Directorate of RMBC.
	2. Governance arrangements for EHE duties are provided through an internal, multi-agency group of staff which meet on a termly basis or as and when required to discuss issues relating to EHE. This could include, but not exclusively, staffing issues, impact of other service area changes on EHE work, reducing overlap of officer activity between service areas, cases where the education provided by a family is unclear, or where a family is having difficulty in accessing other services and has asked for help. The Governance group also serves a role as critical friend of the EHE Officer, offering both support and challenge when necessary.
	3. RMBC aims to build effective working relationships with families to promote the best possible outcomes for all Rotherham’s children and young people.
	4. RMBC will ensure that EHE Officer(s) access relevant training and network opportunities regarding EHE statutory duties, practice, safeguarding, health and safety and any other relevant procedures and practices relevant to their EHE duties.
	5. EHE Officer(s) are responsible for initial visits/contacts (advising parents about their education options, the implications and responsibilities, including in relation to EHE) and ongoing contact, visits and support to EHE families.
2. **RMBC Operational Processes and Procedures for Elective Home Education**
	1. Where EHE Officer(s) receive information from parents and/or other partners to indicate that a **family is considering alternatives to school education** and require further advice/information:
		1. Contact with the EHE Officer(s) is advised/encouraged directly or via the child’s school or another service to ensure parents understand the implications and their responsibilities before making a final decision on education alternatives such as to home educate.
		2. This also gives an opportunity to clarify contact details of the family are still accurate, other information such as schools attended (if any) is accurate, and details of current or previous RMBC / other LA support offered such as Special Educational Needs Support.
	2. Wherea **decision has not yet been made about how a child will be educated** the EHE Officer(s) will liaise with the parents, the current school/setting, and other appropriate services or agencies to:
		1. Offer a home visit/contact to outline the options available including EHE and associated processes. The majority of families welcome the opportunity for a face-to-face discussion away from school to ensure that they can make a fully informed decision. The aim is for an initial visit/contact to not be time-limited so that parents can ask as many questions as they need. Alternatively, the EHE Officer(s) may more often outline the implications and expectations of alternatives and the range of options available to parents/carers by telephone. This is often the first contact with a family.
		2. Offer to support a family with meetings in schools to consider resolving issues; to make referrals to other relevant services for support; to discuss the implications and expectations of options such as EHE; to consider additional support required for learning and how to access such support (e.g. Education, Health and Care Plan (EHCP); applying to University Technical Colleges (UTC) or to apply and appeal for a place in a different school or facility. Flexibility in this initial conversation is crucial and EHE Officers are experienced in signposting families to the full range of authority and partner agency support available.
		3. Confirm if parents wish to progress to EHE or to be supported with a different choice.
	3. Throughout the information gathering and initial contact process, the child will remain on the school admissions register until such time that a parent submits a written withdrawal letter, electing to home educate or make alternative arrangements for education. Parents must not be coerced to write withdrawal letters, but equally, the right to elect home education must be recognised by professionals working with families. The decision to change education setting or type should be a carefully considered parental decision.
	4. **When a decision has been made to remove a child from a school to home educate**, the parent should notify the school in writing of the decision and to request that the child’s name is removed from the school admissions register. A letter signed and dated by all adults with parental responsibility is recommended. The date is then used as the date the child should be removed from the school’s admissions register and indicates the date EHE commenced.
	5. RMBC reminds schools or other education providers that on receiving a parental withdrawal letter, they must remove the child from the school admissions register in-line with the parental letter as well as notifying the LA, by email or telephone conversation with the EHE Officer(s).
	6. In line with Department for Education advice to parents considering the withdrawal of their child from school to Elective Home Education, we strongly recommend that parents meet with the LA to consider whether EHE is appropriate for your family and your child before you decide whether to withdraw them from their school’s school admissions register.
	7. In line with 2019 Government guidance, where a child has never attended a school, parents may choose to notify the LA of the EHE status of a child. EHE support will be offered, depending on the child’s age, ability, aptitude and needs of the family.
	8. Partners, other than schools may become aware of children not known to the LA. Partners are required to refer this information to the LA in order that the education status of the child can be confirmed, and support offered.
3. **Removal of a child from a school, school admissions register to elective home education (School responsibility):**
	1. Parents are advised to send a signed and dated letter to confirm that they are educating their child(ren) at home. This should be sent directly to the Head Teacher of the school.
	2. School must deregister the child (take the child off the school admissions register) in line with the parental choice.
	3. School will contact EHE Officer(s) and forward a copy of the parental letter with known contact details.
	4. EHE Officer(s) will work with the school to ensure that pupil/school aged child information system records are accurate.
	5. EHE Officer(s) may offer visits/contacts to families more frequently in the early stages of EHE to give advice and support, arranged in discussion with parents who want or need support. Parents are encouraged and are welcome to contact the EHE Officer at any point to seek advice and support.
	6. Timescales for ongoing contact with families are not set in law giving RMBC staff and families the flexibility to work with a child’s best interests in mind. Families are welcome to contact the EHE Officer at any stage throughout their EHE journey.
	7. Parents can request a Rotherham EHE card for the child. Parents report that they find EHE cards useful when asked about non-school attendance enquiries in the community (and at times report that venues accept them as evidence for any available education discounts).
4. Although there is no legal requirement to send reports of visits/contacts to parents, many parents find that a report of EHE Officer visit(s)/contacts, documenting the purpose of the meeting e.g. learning progress and challenges experienced, for instance, can be used as the family wishes. e.g. supporting information in Education, Health and Care Planning (EHCP) requests. Initial visits are typically open discussions about options, implications and possible plans or concerns, not requiring a written EHE Officer report of education being provided. Links to organisations or help discussed in initial visits can be emailed or posted after a visit, for speed. e.g. to assist access to the school nursing service or to learning opportunities discussed.
5. **Establishing provision of a suitable education**
	1. The purpose of on-going home visits or contacts at whichever frequency is appropriate is to maintain a positive relationship, offer ongoing support and communication and assurance that the education provided appears suitable for the age, ability, and aptitude of the child.

13.2 The majority of families known to be in EHE in Rotherham, provide an education for their children which benefits from a wide variety of experiences and the flexibility to pursue a range of learning and development interests. Where required, children do sit external examinations and most progress to positive post-16 learning/training destinations. Post 16 advice and support is offered routinely by EHE officers as part of their role and Officers can also signpost families to other services for support (e.g. The Outreach and Engagement Team which is part of the Early Help Service). Advice can also be given around children gaining qualifications or moving onto further training after leaving compulsory school age.

* 1. The 2019 Guidance explains what is meant by suitable education. Rotherham LA would expect that to be deemed suitable, the education provided would be appropriate to a child’s age, ability and aptitude, taking any special educational needs into account, helping them to develop basic functional skills of literacy and numeracy, along with areas of particular interest in order that there are no barriers to the child making appropriate progress to their chosen education, employment or training route when they leave compulsory school age at the end of school year 11. All young people are required to stay in education beyond compulsory school age until at least their 18th birthday. If home educated prior to leaving compulsory school age, parents can decide that their child(s) post-16 learning destination will continue to be EHE, but they are then beyond the EHE Officer working cohort of learners. Details of all Y11 EHE learners are cross-checked with the Early Help Service who have the responsibility to ensure all post 16 learners continue in education or training until they are 18.
	2. The EHE Governance Group retains an oversight of all EHE children and will determine where any help or support can be provided or if the LA needs to consider a referral to other services. The group also provides a layer of challenge and support to EHE Officers where necessary.

13.4 The remit of the Governance Group, as a multi-agency group is to ensure the EHE officer has thoroughly attempted to work with a family and to ensure all reasonable attempts have been made at an informal level before proceeding to the Local Authority School Attendance Panel LASAP which may result in formal action being pursued.

* 1. RMBC will continue to offer and propose home visits/contacts for families to share outcomes and to discuss advice etc. which is acceptable to and welcomed by the majority of families of children known to be EHE.

13.6 Where home visits or face to face meetings are declined, the families choice is respected and EHE Officer(s) will write to parents to ask for information about the education being provided or can offer a virtual meeting to share experiences and examples of home education.

13.7 If the Governance Group is not able to satisfy itselfabout the education being provided, informal enquiries will be ceased and a case will be escalated for discussion at Local Authority School Attendance Panel (LASAP) which may result in formal action being initiated.

* 1. The 2019 Guidance clarifies that informal enquiries can include a request to see the child, either in the home or in another location (Section 6.6). The parent, however, is under no legal obligation to agree to this simply to satisfy the local authority as to the suitability of home education. If a family continuously refuses to provide information about the education being provided, the case would be referred to the Governance Group for consideration with regard to next steps, if all reasonable enquiries have been exhausted then this could in some circumstances justify service of a notice under s.437(1).
	2. s437 of the Education Act 1996 (as amended) describes the legal pre-requisites that a Local Authority must fulfil before it can issue a School Attendance Order.
	3. Ultimately the decision about whether a suitable education is being provided or not will be made by a court of law. If a court accepts a parental explanation and information, cases can be discharged with no further action.

It should be noted thatRMBC endeavours to avoid the need to pursue any enforcement by working in partnership with parents with the child’s best interests at heart. Of the many hundreds of EHE families known to officers between 2013-2020, very few cases have been escalated and served with notices under Section 437 resulting in school attendance orders (SAO) being issued. This course of action demonstrates that wherever possible, EHE officers will endeavour to resolve issues without recourse to escalation and enforcement.

1. **Declined visits and contact**
	1. Where EHE Officer(s) visits are declined by parents, a note of a child being EHE but visits being declined will be recorded on RMBC secure information systems so that the parental choice is recorded.
2. **Concerns and safeguarding children**
	1. The welfare and protection of all children and young people (both those who attend school and those who are educated by other means) are of paramount concern and the responsibility of the whole community. As with school educated children and young people, safeguarding issues may arise in relation to home educated children and young people. If any safeguarding concerns come to light in the course of engagement with children and families, or otherwise, these concerns should immediately be referred to First Response in accordance with the Rotherham Safeguarding Children Board (RSCB) procedure, ‘Referring Safeguarding Concerns about Children’.
	2. Where there are concerns around the education provided or the welfare of a child, the EHE Officer(s) must liaise with other services, including Early Help and/or the EHE Governance Group to try to resolve the situation. For more information see LSCB Procedure, Early Help Guidance: Integrated Working with Children, Young People and Families with Vulnerable or Complex Needs:

 <http://rotherhamscb.proceduresonline.com/chapters/g_early_help.html>

and the RLSCB procedure, Referring Safeguarding Concerns about Children

 <http://rotherhamscb.proceduresonline.com/chapters/p_ref_concern.html>

* 1. The 2019 Guidance clarifies that ‘*Where necessary - because it is evident that a child is simply not receiving suitable education at home and the use of school attendance powers is not achieving a change in that situation - the local authority should be ready to use its safeguarding powers (as explained in the* 2*019 Guidance). The overriding objective in these cases is to ensure that the child’s development is protected from significant harm.’*
1. **Pupils Returning to or starting school.**
	1. There are several reasons why a child might return to or start to attend a school or other government funded education provider. Examples include:
		1. The parent or the child wishes a return to/start at a Government funded education.
		2. The EHE officer(s), Early Help and Family Engagement Officers or a relevant professional such as a Social Worker recommends that the child returns to school as adequate education is not being provided otherwise and/or there are other concerns.
	2. A school application can be made for a Rotherham resident child on-line at: <https://www.rotherham.gov.uk/homepage/344/apply_for_a_school_place>

Alternatively, a paper application form can be sent to the parents/carers by post by contacting School Admissions on 01709 823777. Help and advice throughout an application process can be provided by all RMBC staff within the Access to Education service area, including school admissions, EHE officers etc.

1. **Record keeping and annual review of records**
	1. The EHE Officer(s) will maintain, with restricted access within CYPS, records of all known children and young people who are known to be in EHE and the dates of any home visits / contacts.
	2. After the official school leaving date in June, all Year 11 pupil / child records will be archived as these pupils / children become over compulsory school age. This will be done in line with General Data Protection Regulations (GDPR) and RMBC record retention schedules.
	3. Young people over compulsory school age are supported, where necessary, by relevant services to ensure that Education, Employment or Training (EET) advice and guidance is available.
	4. Dedicated Outreach Officers are available within RMBC’s Early Help service to support Y11 children in schools or in EHE to ensure that they are supported to achieve a positive learning destination beyond compulsory school age. Details of all Y11 EHE learners are cross-checked with the Early Help Service who have the responsibility to ensure all post 16 learners continue in education or training until they are 18.
2. **Reporting**
	1. The EHE Officer(s) will produce reports, in line with statutory and RMBC requirements, and contribute to national/formal requests as requested.
	2. The EHE Governance Group will maintain an overview of all reports and Freedom of Information requests and responses.
3. **Reviewing policies and procedures**
	1. The Local Authority will review the policy and procedures of EHE on a regular basis (at least every 3 years) unless there are significant changes in legislation or Department for Education guidance relating to EHE or significant changes in RMBC organisation which impact on the current policy and practice and require a review to be completed.

20. **Complaints**

20.1 Should a parent have cause to complain about the service provided or the conduct of an Officer,concerns should be outlined in an email to: Education@rotherham.gov.ukin the first instance, where Senior Officers will then investigate the concerns and respond in writing.

20.2 Should this course of actionnot satisfactorilyresolve the issues, then a formal complaint can be submitted to the RMBC Complaints Department at: Complaints@rotherham.gov.uk

**ELECTIVE HOME EDUCATION FLOW CHARTS Appendix A**

Flow chart 1 below is copied directly from the DfE 2019 Guidance. Although this is the DfE diagram, it depicts the separation of roles and dovetailing of processes in Rotherham. (The referral to page 2 is a reference to the DfE document (2019 Guidance), not this RMBC document)

Flow chart 1, taken directly from the 2019 Guidance:



Ultimately the decision about whether a suitable education is being provided or not will be made by a court of Law. If court accepts a parental explanation and information, cases can be, and are, discharged with no further action.

RMBC endeavours to avoid the need to pursue any enforcement by working in partnership with the child’s best interests at heart.

Enforcement would be used as a last resort when other endeavours have been exhausted and the LA cannot assure itself that education is suitable.

A more detailed working flow chart of local process is given below:

 **Appendix B**

**Rotherham, Initial contact Flow Chart: LA EHE team makes informal enquiries:**

Notification from school or parent of parental consideration to Elective Home Education (EHE) requiring service advice.

Discussion with family around child returning to full time education and support offered by EHE officer to family to undertake this process

Appears suitable education is being provided for age, ability, and aptitude of the child

LA Governance Group not satisfied that a home-educated child is receiving a suitable, full-time education.

Offer further visits and contacts to discuss the education being provided.

If parent sends letter to school, school attendance systems updated (child removed from school admissions register) and child added to LA EHE list

Capita ONE updated to ensure information regarding educational status available to other services.

Child has EHCP: EHE Officer to liaise with SEN Service

EHE Officer establishes information regarding child/school/family considering EHE and enters onto database as an enquiry

Typically, Annual EHE visit / contact offered

Refer to LASAP for consideration of formal action / enforcement or other recommendation made where necessary

EHE Officer communicates with Parent/Carer: Offers to visit home / makes contact to discuss options available, implications and support available to support parents to make an informed decision.

Opportunities to share experiences and examples.