

Elective Home Education Protocol

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1. INTRODUCTION

- 1.1** Hull City Council, the local authority, recognises that education is a fundamental right for every child and aims to work in partnership with parents/carers who electively home educate, supporting their right to do so.
- 1.2** The local authority also believes that parents/carers are the prime educator of their child within or outside the schooling system.
- 1.3** Whilst the local authority encourages parents/carers to enrol their child at school, they also recognise that parents/carers have an equal right to educate their child at home. The local authority wishes to work with parents/carers who home educate to ensure that those 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. It also wishes to ensure that parents/carer who choose to electively home educate their children, do so for the right reasons and have an intention to educate at home from the point they remove their child from school.
- 1.4** The local authority seeks to build positive relationships with parents/carers who home educate by establishing mutual understanding, trust, and respect.
- 1.5** This document aims to:
- clarify the legal position with regards to Elective Home Education;
 - set out the parents'/carers' rights and responsibilities to educate their children at home;
 - explain the legal duties and responsibilities of Headteachers and the local authority.

1.6 This protocol accompanies the following Hull City Council documents on Elective Home Education:

- Elective Home Education – Guidance for parents/carers;
- Elective Home Education – Frequently asked questions.

2. THE CONTEXT FOR ELECTIVE HOME EDUCATION

2.1 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents/carers at home, rather than providing education for their children by sending them to school. This is different to home tuition, alternative provision or education provided by a local authority other than in school (EOTAS). Elective home education can also be referred to as 'home education' or 'home schooling'.

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

"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/carers to ensure such education and teaching is in conformity with their own religious and philosophical convictions."

2.3 This protocol takes account of the DfE Elective Home Education: guidance for local authorities (2019) and the Elective Home Education guidance for parents/carers (2019).

2.4 The protocol has also been developed in the context of the duty placed on local authorities to make arrangements to safeguard and promote the welfare of all children (s175 Education Act 2002).

2.5 The protocol aims to achieve an appropriate balance between the rights of home educating parents/carers and the responsibilities of the local authority.

3. THE LEGAL BACKGROUND

3.1 Compulsory school age, as defined in s8 Education Act 1996, begins on the first day of the term following the child's fifth birthday and ends on the last Friday in June in the school year in which the child reaches sixteen years of age.

3.2 Section 7 Education Act 1996 states that the parent/carer of a child who is of compulsory school age has a legal duty to see that their child receives "efficient full-time education suitable":

- to [their] age according to ability and aptitude and
- to any special educational needs [they] may have either by regular attendance at school or otherwise".

- 3.3** The term “efficient” is not defined in law however, it can be interpreted as meaning education which ‘achieves what it is intended to achieve’, which will be measured via the guidance as set out in this protocol and the ‘EHE guidance for parents/carers’ document.
- 3.4** Similarly, “suitable” education is not defined in law, although it must fulfil the requirements outlined in 3.2. This means that it must be age-appropriate, enable the child to make progress according to his or her level of ability, and should take account of any specific aptitudes. There is an expectation that literacy and numeracy is learned, and the education should aim at enabling the child, when grown-up, to function as an independent citizen in the UK - and furthermore, beyond the community in which they were brought up, if that is the choice made in later life by the child. Home education should not conflict with the Fundamental British values.
- 3.5** “Full-time” is not precisely defined, but statutory guidance states that education should occupy a significant proportion of a child’s life.
- 3.6** Education at home may not be deemed suitable if it is delivered in circumstances that make it difficult to work as this may affect its efficiency and whether it is 'received'. The education may also be deemed unsuitable if it leads to excessive isolation which impacts on the child's social development.
- 3.7** Local authorities have a legal duty under s437 Education Act 1996 to take action "if it appears" that a child of compulsory school age in their area is not receiving suitable education.

4. PARENT’S/CARER’S RIGHTS AND RESPONSIBILITIES

- 4.1** The responsibility for ensuring a child of compulsory school age accesses education rests with their parents/carers. In England, education is compulsory, school is not.
- 4.2** Whilst compulsory school age ends on the last Friday of June in the school year in which they reach 16, since 2015, young people are required to remain in learning or training up until their 18th birthday. From 16 years of age, the choices are to: stay in full-time education, either at college or school sixth form; go into an apprenticeship; or find employment which has a training element. This requirement does not apply to young people with level 3 qualifications, taken as being 2 'A' levels. This post-16 stage of learning will not be monitored by the local authority.
- 4.3** Parents/carers who choose to home educate must be prepared to assume full financial responsibility for doing so, including bearing the cost of any public examinations.

- 4.4** Parents/carers are not required to register or seek approval from the local authority if they wish to remove their child from school to home educate, unless their child has an Education Health and Care Plan (EHCP) – see 4.6. Parents/carers of a pre-school child are also not required to notify the local authority of their intention to home educate but are encouraged to do so, by contacting the Education Welfare Service at Hull City Council to access advice and support.
- 4.5** Parents/carers should inform the school, in writing, that they intend to home educate their child. The local authority will provide advice and support, as outlined in Section 8 of this protocol. The school is obliged to inform the local authority of children removed from its admission register and will give home education as the reason, if notified of this by the parent/carer. In such cases where parents/carers disagree on the decision to home educate the local authority will advise the parent/carer who is in dispute to take legal advice. The local authority will act on the decision made by the resident parent/carer.
- 4.6** Children with Special Educational Needs can be educated at home. However, where a child has an Education, Health and Care Plan (EHCP) and begins home education, the local authority has a legal duty to review the Plan at least annually for as long as it is in force. This is to ensure that the child's educational needs are being met.
- 4.7** If the child is on roll at a special school, the parents/carers must obtain the agreement of the local authority before the child's name can be removed from the school roll. Parents/carers can discuss this by contacting the Special Educational Needs team at the local authority.
- 4.8** If a child is registered at a school because of a School Attendance Order, the parents/carers must get the order revoked by the local authority before the child can be removed from the school's register and educated at home. Parents/carers can do this by contacting the Education Welfare Service, using the details at the end of this document.
- 4.9** If a child is subject to an Education Supervision Order, the parents/carers must get permission from the Supervising Officer before electing to home educate. Advice on how to do this can be obtained by contacting the Education Welfare Service, using the details at the end of this document.
- 4.10** Parents/carers who choose to home educate their child must be able to demonstrate their intention to home educate once they have made the decision to remove their child from school. Through a visit or a submission of information, the parents/carers must be able to demonstrate that they have considered the educational needs of their child and how they will meet these needs in the immediate and long-term future. This does not have to be rigid and parents/carers will not be held to account if they do not follow the ideology or intentions that they originally had. Parents/carers should, however, be able to evidence, what learning has taken place since the child left school and how

they are preparing for educating their child in the future. Some parents/carers refer to a period at the start of home educating as 'de-schooling', but there is no legal basis for such a position.

4.11 Parents/carers who choose to home educate their children may choose how they wish to do this. The type of educational activity can be varied and flexible. Home educating parents/carers are not required to:

- teach the National Curriculum, although statutory guidance states that there must be an “appropriate minimum standard”, which should encompass literacy and numeracy;
- provide a broad and balanced curriculum;
- have a timetable;
- have premises equipped to any standard (but the environment must be suitable);
- set specific hours during which education will take place;
- have any specific qualifications;
- make detailed plans;
- observe school hours, days, or terms, although it must be full time, as outlined in the statutory definition in 3.5;
- give formal lessons;
- mark work done by the child;
- formally assess progress or set developmental objectives;
- reproduce school type peer group socialisation; or
- match school-based, age specific standards, although by law the education must all be in line with the age, aptitude and any special educational needs of the child.

4.11 Once the initial visit has taken place, the local authority will make informal enquiries of home educating parents/carers so that it can be satisfied that the child is receiving a suitable education that demonstrates progress, in line with their legal duties. There is no prescriptive or single method by which parents/carers can provide this information, but parents/carers may provide samples of work completed by the child or request a home visit or a meeting at a mutually convenient and neutral location.

4.12 Should home educating parents/carers, however, decline to engage at any point in the process, the local authority must presume that the child is not receiving a suitable education, which could result in the local authority issuing a formal notice under s437 Education Act 1996, requiring the parent/carer to satisfy the local authority that the child is in fact receiving a suitable education.

5. DUTY OF SCHOOLS

5.1 The school have a duty to inform the local authority when they remove a child from their roll to be electively home educated. Preferably, evidence should be a letter from parents/carers informing them of their intention to home educate

their child, or if the school does not receive this, a copy of a communication from the school to the parent/carer confirming the school's understanding that the parent/carer intends to home educate. The local authority will forward on an EHE exit questionnaire to the school for completion once the parent's/carer's intention to home educate has been received.

- 5.2** When a school is informed by parents/carers of their intention to home educate, the school should invite the parents/carers (and if appropriate the child) to discuss their decision. This is particularly important when a parent/carer decides to home educate in response to an incident at school, or as a means of avoiding a particular issue (such as actions related to the child's attendance or behaviour). The decision to home educate should be made for positive reasons and should be made in an informed and considered way, with the child's best interests as the prime consideration. There should be no intention of trying to dissuade parents/carers from choosing to home educate and the parent's/carer's participation in this meeting must be entirely voluntary.
- 5.3** The school should not advise or recommend that parents/carers home educate, especially if a child is experiencing difficulties at school. Should it be identified, following a meeting between the parents/carers and the EHE team, that this has happened, the child will be supported to return to the school.
- 5.4** Flexi-schooling (part-time school attendance in addition to home education) is where an agreement is made between the school and the parents/carers that the child will receive part of their education other than at a school. This is a matter for Headteachers, rather than the local authority, to negotiate with parents/carers. Parents/carers cannot insist that the school agrees to a flexi-schooling arrangement, the decision to do so rests with the Headteacher. Flexi-schooling is not the same as a reduced timetable, which should be instigated by the school in response to the medical needs of the child.

6 DUTY OF LOCAL AUTHORITIES

- 6.1** The duty under s436A Education Act 1996 means that the local authority must make arrangements to find out as far as possible whether home educated children are receiving suitable full-time education. Until the local authority is satisfied that a home-educated child is receiving a suitable full-time education, then a child being educated at home potentially remains in scope of the duty under s436A.
- 6.2** The local authority is responsible for ensuring that it has a clear and easily accessible EHE protocol 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/carers. The local authority will publish the name and contact details of the team and the named senior officer with responsibility for Elective Home Education.
- 6.3** The local authority recognises that there are many, equally valid, approaches to educational provision and what is important is that all children are involved in a learning process. The local authority will therefore seek to establish positive and supportive relationships with home educating parents/carers and will respect their right to adopt a rich and diverse range of approaches to home education and use of a variety of philosophies and methods.
- 6.4** Parents/carers may choose to discuss their child's provision with the local authority representatives in a mutually convenient way which may include home visits with or without the child being present. Parents/carers may, however, choose to provide information by phone, email, or post.

7. INITIAL CONTACT – INTENTION TO ELECTIVELY HOME EDUCATE

- 7.1** When the local authority first becomes aware that parents/carers have decided to home educate their child, contact will be made by an Access and Inclusion Officer (AIO) who will request information from parents/carers on their intention to educate their child and to offer further information about EHE in Hull. This will take place within 10 working days of the local authority obtaining all information that confirms that the child is being home educated. In most cases, a parent/carer will have given serious consideration of how they intend to educate their child and will, therefore, have no difficulties in providing information about how they intend to progress with home education. Once the AIO is satisfied that the parent/carer understands what elective home education is and that it will take place (i.e. the home education is satisfactory at this point), they will agree to contact the parents/carers to further discuss the education and progress being made. This is normally carried out between 3 and 6 months of the initial contact.

- 7.2** The local authority understands that in the early stages, parents/carers may not be able to respond fully to enquiries about the provision they are making and, therefore, will not be able to demonstrate all the characteristics of an 'efficient and suitable' educational provision. There is, however, an expectation that education has continued to take place for the child since they left school and, whilst they may need to ask for support and advice from the local authority, parents/carers should be able to explain their broad intention to educate.
- 7.3** Following initial contact, the AIO may conclude that the parents/carers are unable to demonstrate that their child is receiving an education or that there is an intention to educate. In this case, the provision will be deemed unsatisfactory until parents/carers are able to provide their evidence of intention to educate. A timeframe will be agreed for parents/carers to provide this. If there is no communication or response from the parent/carer following a request about the intention to educate a parent/carer, the AIO will visit the family to determine if the child is being home educated and request a plan. If the parents/carers do not co-operate, the local authority will serve a formal s 437 Notice to parents/carers, requiring them to provide information about the child's education. If the parent/carer is subsequently able to demonstrate they have been offering a suitable home education from the outset and have made preparations with that aim in view, a meeting is arranged with an AIO to contact the parents/carers.
- 7.4** If the information received within the 10 working days does not provide sufficient evidence that the child has been learning since they left school or information on the parent's/carer's intention to educate, the education will be deemed unsatisfactory. Parents/carers will be requested to complete a mid-year application for their previous school and/or a School Attendance Order will be issued naming the child's previous school, if possible. There will be an expectation that the previous school will put the child back on their roll and make arrangements for the reintegration. The AIO will seek assurance from the school that this has taken place. Where it is identified that a return to the previous school is not in the best interest of the child, an alternative suitable school provision will be found.
- 7.5** If a child has an EHCP, the school should inform the local authority SEND team, to ensure the local authority can be satisfied that the special educational provision is still being met and all necessary changes can be made to the EHCP. The SEND team should arrange an (early) annual review meeting, preferably prior to removing the child from the school roll. Parents/carers should be contacted within two weeks of parents/carers informing the school that they wish to home educate, and the child should continue to attend school until the meeting has taken place and a decision made. If parents/carers choose to exercise their right to remove the child immediately from the school, then a request for an early annual review meeting will be sent to the parents/carers. The purpose of the meeting is to confirm that the parents/carers have made an informed decision to electively home educate their child, to

establish that there is intention to home educate, and review the plan in light of the change to provision. If the decision is that there is no intention to home educate, or that the needs of the child cannot be met at home, then the child will be supported to return to their previous school or an alternative suitable provision.

8. THE EDUCATION REVIEW MEETING WITH THE AIO

- 8.1** The purpose of the review meeting with the AIO is to ensure that the child is receiving an education that is efficient and suitable to the child's educational needs and support, and advise where required. During an Education Review meeting, the AIO will be happy to provide suggestions, ideas, and advice, as well as discuss the child's progress. When EHE children reach the 14 to 16 age group, the AIO can offer help and advice on where to find career guidance, information about examinations and college placements.
- 8.2** A parent/carer will be offered an Education Review meeting following the initial visit meeting with the AIO within an agreed timescale. If the education is deemed to be suitable, then the AIO and the parent/carer will jointly agree when to have a future visit.
- 8.3** If the education is deemed to be unsuitable, the AIO will request further information within an agreed timeframe. If the education continues to be unsuitable, the local authority will ask the parent/carer to arrange to return their child to school. The local authority will issue a School Attendance order if required. In cases where a School Attendance Order is initiated, the child will be closed to home education and recorded as a Child Missing Education as per published DfE documentation, Children Missing Education (2013) – see Hull City Council's Child Missing Education protocol for further details.
- 8.4** A parent/carer may choose not to have a meeting but instead submit information about the educational provision being made for the child. The content of the report should include a description of:
- a timetable of learning, illustrate how a full-time education is being provided;
 - the resources and materials the child is using which may include, books and libraries, arts and crafts materials, physical activity, ICT;
 - the opportunities the child has had which may include activities interests, appropriate to the child's age, aptitude and ability;
 - the opportunities the child has had to interact with their peers and other adults;
 - how the parent/carer will assess and monitor their child's progress;
 - aims and targets for the coming year;
 - preparation arrangements for sitting GCSE exams, in particular English and Maths and preparation for destinations at post-16 (year 10 and 11 children only).

This information will be reviewed by the local authority, who will make a judgement regarding the suitability of the provision. If the education is deemed to be suitable, then there will be a request for information again in 12 months' time. If unsuitable, a request for further information will be sent; if there is no response or if this too is unsuitable, then the local authority will ask the parent/carer to make arrangements to return their child to school, issuing a School Attendance Order if required.

- 8.5** A School Attendance Order will normally only be served if all reasonable informal and formal steps have been taken to establish that the education provision is suitable. At any stage during the process, parents/carers may present evidence that they are now providing a suitable education and apply to have the order revoked.
- 8.6** If the local authority is not satisfied that the education is suitable and believes that the child should attend school, it will serve a School Attendance Order. Non-compliance of this order may result in the prosecution of parents/carers. Alternatively, or in addition, the local authority may apply for an Education Supervision Order (ESO), made under s36 Children Act 1989, which allows the local authority to impose conditions as to the way in which a child is to be educated. Non-compliance of an ESO can result in prosecution and an application of a care order under s31 Children Act 1989.
- 8.7** If the local authority is not satisfied that the education is suitable but does not believe that it is expedient for the child to attend school, the local authority will source advice and support or make alternative provision arrangements, unless the child is very close to the school leaving age.
- 8.8** Although the local authority has no statutory duty to monitor the quality of home education on a routine basis, an AIO will contact parents/carers annually to discuss the ongoing suitability of the provision in relation to the child's age, ability, aptitude and to any special educational needs which they might have. During the review meeting, the AIO may suggest to parents/carers a shorter or longer interval between meetings as appropriate to the family's circumstances, for example where parents/carers have previously educated other siblings of a similar age the interval could be extended.
- 8.9** The local authority encourages parents/carers who are electively home educating their child to notify the local authority, particularly families who move into the local area from another local authority, although they are under no obligation to do so. Hull City Council reserves the right to make its own judgement as to the suitability of an education provision but will, where practicable, consider evidence and judgements of other local authorities, providers, and services.
- 8.10** On rare occasions when Hull City Council is made aware of a concern for a child's wellbeing, they may make unannounced home visits. This may be as the result of a notification or referrals made to Early Help or Social Care. The local

authority has a duty under the s11 Children's Act 2004 to safeguard and promote the welfare of children in all its functions.

9. POLICY HISTORY

Implementation:

Updated: May 2024

10. CONTACT DETAILS

We are happy to receive feedback on the protocol. Contact details are below:

Elective Home Education

Education Welfare Service

Room 128, The Guildhall

Alfred Gelder Street

Kingston upon Hull

HU1 2AA

E-mail: ewseducation@hullcc.gov.uk

Telephone: 01482 300300

Head of Access and Inclusion: Hayley O'Grady

Contact details for general queries about procedures and practice:

Locality SEWO's

EAST: Mandi Morgan mandi.morgan@hullcc.gov.uk

WEST: Charlene Wright Charlene.wright@hullcc.gov.uk

NORTH: Hollie Leng hollie.leng@hullcc.gov.uk

Regarding admission to school queries:

Alyson Joyce alyson.joyce@hullcc.gov.uk (01482) 613348

The information in this document can be made available in other formats (large print, audio, digitally and Braille as appropriate) and different languages. Please telephone 01482 300 300. Textphone users please telephone 01482 300 349.