

Elective Home Education Policy

Revised August 2023

**Children & Adults' Directorate
Education and SEND
Gun Wharf
Dock Road
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Introduction

- 1.1. As a local authority (LA), Medway Council have a responsibility to champion the needs of vulnerable children and young people, promote the best education possible for all and ensure fair access to a school place to all who want them.
- 1.2. We believe education in Medway should enable all children whatever their age, ability, background, or faith to be able to realise their ambitions, to access a range of opportunities and learn from and relate to their peers.
- 1.3. The Medway Council Elective Home Education policy follows the 2019 DfE publication of the following: Elective Home Education Department Guidance for Local Authorities and Elective Home Education Departmental Guidance for Parents.
- 1.4. Elective home education is a term used to describe a choice by parents to provide education for their children at home, or at home and in some other way which they choose, instead of sending them to school full-time. This is different to education provided by a local authority otherwise than at a school - for example, tuition for children who are too ill to attend school.
- 1.5. The purpose of this policy is to explain how the local authority aims to deliver its statutory duty and engage with home educating families.
- 1.6. The LA values families who choose to electively home educate (EHE) their children and aim to work in partnership with all these families as part of our local vision, for education and to fulfil our statutory responsibilities. This policy sets out respective rights and responsibilities for families and for the LA as key procedural information.
- 1.7. This policy is presented with reference to other relevant LA policies and guidelines (e.g. children missing education (CME), fair access panel (FAP) and child protection). The policy reflects adherence to Medway Safeguarding Children's Partnership (MSCP) safeguarding guidelines.
- 1.8. This policy applies to those children of compulsory school age, where a legal requirement for education to take place exists, living in Medway, whose parents or guardians (as defined in the [Children Act 1989](#) and [s576 of the Education Act 1996](#)) have chosen to provide education for their child at home, described by the Department for Education as elective home education.
- 1.9. The consent of the local authority is not required for a child to be electively home educated, unless the child is enrolled in a special school arranged by the local authority.
- 1.10. Where a child has never been enrolled at a school, parents are under no legal obligation to inform the local authority that their child is being electively home educated. We actively encourage, however, all parents who have no plans to enrol their child in school to inform us of this decision.
- 1.11. The local authority, holds a statutory duty to ensure that all children, including those who are electively home educated, are receiving suitable education and the Department for Education (DfE) recognises that unsuitable or inadequate education can impair a child's intellectual, emotional, social or behavioural development.

1. The legal position on elective home education

- 1.1. Parents and carers have a right to educate their children at home. [Section 7 of the 1996 Education Act](#) provides that: “The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable – (a) to his age, ability and aptitude, and (b) to any special educational needs he may have - either by regular attendance at school or otherwise.”
- 1.2. The parental role, [Section 576 of the Education Act 1996](#) states that a ‘parent’, in relation to a child or young person, includes any person who is not a parent (from which can be inferred ‘biological parent’) but who has parental responsibility, or who has day to day care of the child.
- 1.3. For the purposes of education law, the department considers a ‘parent’ to include:
 - all biological parents, whether they are married or not
 - any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
 - any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person
 - A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child. (Section 499(8), Education Act 1996)
- 1.4. Medway Council has 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. The council will make enquiries in all cases where parents/carers 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 the LA, 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 or carer, requiring them to satisfy the council within a specified period of time, that the child is receiving such education.
- 1.7. If parents or carers fail to satisfy the council that the child is receiving a suitable education, and the council considers that it is expedient that he or she should attend school, then the council has a legal obligation to serve on the parents a school attendance order (SAO). This will name a specific school and require the parent or carer to register their child at that school. There are provisions in the Education Act 1996 (sections 436A -438) governing the basis on which a school is selected to be named in the order. If an SAO is issued by the council, it must be complied with, and failure to do so is a criminal offence. If a parent or carer does comply with it and sends their child to the school named in the order, they are still eligible to seek to have their child attend another available school.
- 1.8. Parents or carer who wish to request a place at another school, if available; should first request the council in writing to vary the order. Alternatively, parents can seek to have the order revoked by presenting evidence to the council that satisfactory

arrangements have been made for suitable education to be provided at home, so that the child need not attend any school. If the council refuses to revoke the order, parents and carers can choose to refer the matter to the secretary of state for education to settle the dispute by contacting the department for education directly.

- 1.9. The information required of parents / carers who are electively home educating is not specified in the legislation. The council deem that parents or carers should be able to provide sufficient information, within a reasonable period of time, which would demonstrate that a suitable education is being provided. Parents can arrange other people to tutor their children, as part of being responsible for providing a suitable education. It is expected that all tutors and others involved in their children's education are suitably qualified and have been subject to a current DBS check and it remains the parents' responsibility to demonstrate suitable education.
- 1.10. Guidance to support parents or carers in the preparing suitable information about the education they intend to deliver is given in [Elective Home Education Guidance for Parents](#) (see annex 2) and the government's [Elective Home Education: Departmental Guidance for Parents April 2019](#) (see annex 3).
- 1.11. The council also has a duty under section 175(1) of the [Education Act 2002](#) to safeguard and promote the welfare of children. 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."

2. The European Convention on Human Rights: Right to Education

- 2.1. Article 2 of Protocol 1 states that no person shall be denied the right to education, but the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical conviction.
- 2.2. The UN Convention on the rights of the child: Right to education and goals of education:
 - 2.2.1. Article 28 states that every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child.
 - 2.2.2. Article 29 states that education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

3. Elective home education and safeguarding

- 3.1. Medway Council has general duties to make arrangements to safeguard and promote the welfare of children ([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 the council 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](#)). However, such powers do not bestow on the council the ability

to see and question children subject to elective home education, in order to establish whether they are receiving a suitable education.

- 3.2. Where there are safeguarding concerns, and children are not seen, despite the requests of the elective home education officer, the council will share intelligence with other children's services where appropriate.
- 3.3. Where the elective home education officer is unable to make contact with the parent / carer, a referral will be made to the LA CME officer.
- 3.4. The council expects parents to understand and comply with reasonable requests to satisfy the council's statutory duties in the interests of the child.
- 3.5. Parents' right to educate their child at home applies regardless of whether the child has identified special educational needs or not. When an education, health, care plan is in place and the child is electively educated at home, then it remains the council's duty to maintain the plan and to review it annually. The council will determine whether the educational provision being delivered by the parents or carers is suitable for the child's special educational needs. If the council is not satisfied that provision is adequate, then the council remains responsible for ensuring that the child's special educational needs continue to be met.
- 3.6. The council requests that parents and carers give notice to the council of their intention to withdraw a child from school and electively home educate. Pupil Registration regs 2006 <https://www.legislation.gov.uk/uksi/2006/1751/made>
- 3.7. Schools are also required to notify the council when a parent intends to electively home educate. [regulation 8 - removal from school roll](#)
- 3.8. Under this statutory guidance the local authority retains a responsibility for giving permission for children withdrawn from special schools to be electively home educated, for amending the Education Health Care Plan and for reviewing it via the Annual Review Process. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND Code of Practice January 2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)
- 3.9. Schools must inform the LA immediately that they have received written notification from the parent stating their intent to withdraw a child to be electively home educated.
- 3.10. Medway schools are requested to keep the child on roll for 10 school days, after notifying the council. This period is to allow for effective communication with the parent, ensuring that mutual legal and statutory duties are fully understood, the council have assurances of safeguarding arrangements, and that any support that may be helpful is given swiftly.
- 3.11. The council does not receive funding to support elective home educating families, but it will seek a partnership approach with parents and other agencies, to provide appropriate advisory guidance and support.
- 3.12. **Responsibilities**
 - 3.12.1. All parents are responsible in law to ensure each of their children of compulsory school age is provided with a suitable, full-time education. "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."

- 3.12.2. Parents who choose to electively home educate must ensure that they organise a breadth of education to ensure their child can fully participate in the life of the UK now and in the future and that learning is provided that does not foreclose their future opportunities to live independently. The education provided should include opportunities to socialise with other children of a similar age.
 - 3.12.3. Parents who choose to electively home educate their child are expected to understand their legal responsibilities and to take on full financial responsibility for that child's suitable education. The home learning environment should be compatible with providing a suitable education and not compromise the welfare of children. If parents choose to send their child to an unregistered independent setting, full-time or part-time, there is a presumption in law that this may not constitute a suitable, full-time education. Section 463 Education Act 1996.
 - 3.12.4. Parents should collaborate with the LA, to assist the LA to fulfil its duty to oversee that all local children have a suitable education and that their welfare is promoted, and they are safe.
 - 3.12.5. If parents decide to home educate their child and withdraw their child from school, they must notify the headteacher in writing, otherwise they leave themselves open to legal action for non-attendance at school. The school will inform the LA of this change of circumstances for the child. This LA encourages parents to discuss their options, including elective home education, with the headteacher before formally writing to remove their child from the school.
 - 3.12.6. Parents are encouraged to make contact and notify the LA that their child or children are being home educated, when they move into or leave a LA area.
- 3.13. **The Role of the School**
- 3.13.1. There is no legal requirement for parents to discuss home education with their child's school, however if a parent does approach the school to discuss the possibility of elective home education, the LA expects the school to respond constructively. If parents are considering elective home education because of a dispute with the school, the LA expects the school to take all necessary steps to resolve the issue.
 - 3.13.2. The school should signpost the parent to the LA elective home education officers for further advice, guidance, to enable them to make an informed choice prior to taking their child off the roll of the school.
 - 3.13.3. The local authority encourages parents, whenever possible, to discuss an intention to move to EHE before formally writing to the school. Where possible the DfE encourages schools to therefore invite parents to a meeting.
 - 3.13.4. Where a parent has expressed their intention to remove a child from school with a view to educating at home, the DfE recommends that local authorities,

schools, and other key professionals coordinate a meeting with parents where possible. Ideally this would be before a final decision is made.

3.13.5. Schools must make a return (giving the child's name, address and the ground upon which their name is to be deleted from the register) to the LA as soon as the ground for deletion from the school roll is met and no later than when the pupil's name is deleted from the school's register.

3.13.6. In practice, in order to comply with Education (Pupil Registration) (England) (Amendment) Regulations 2016 section 5, paragraph 6, the school must inform the LA of any child leaving school as soon as a school removes a child from the school register.

4. Principles supporting Elective Home Education

Medway Council will:

- 4.1. Seek to ensure that its policy and procedures on elective home education are clear, consistent, and non-intrusive.
- 4.2. Work with parents and carers to develop effective and supportive partnerships.
- 4.3. Welcome the collaboration from home education organisations in developing and reviewing the council's elective home education policy and practice.
- 4.4. Provide written information will be made available to parents / carers in local community languages and alternative formats on request.
- 4.5. Provide a named advisor with responsibility for implementing elective home education policy.
- 4.6. Be sensitive to the wishes of families who elect to home educate, supporting and intervening proportionately to the circumstances of each family.
- 4.7. The council will maintain a register of children who are known to be electively home educated. This intelligence may be shared, as appropriate, with other council services; including but not limited to the virtual school, social care, admissions, SEND, educational psychology and attendance. The information may also be shared with the police in order to inform their truancy monitoring.
- 4.8. Parent or carers who are seeking to revert to school-based learning following a period of electively home educating will need to make contact with the admissions team for further guidance by emailing casualadmissions@medway.gov.uk or telephoning 01634 331110.

5. Flexi-schooling

- 5.1. The council acknowledges that some parents who elect to home educate may wish to fulfil a fulltime education statutory duty by splitting the education provision between home and school through a planned arrangement. This is not Elective Home Education. This would have the intended benefit of delivering a high-quality

curriculum offer across the range of subjects in the national curriculum, and as such would come under normal Ofsted inspection for effectiveness. This proposal, from the parent to the school, can only be entered into by signed agreement with the headteacher and governors of the school where the pupil is already on roll. Schools are not obliged to accept proposals by parents to split flexi- schooling arrangements between home and school.

- 5.2. Schools should record the agreement as 'flexi-schooling' in line with their attendance policy.
- 5.3. Schools will record the attendance of the child, when they are in the 'home' part of the education provision, as absent from school because the school has no supervisory role in the child's education at such times. Consequently, it is not appropriate to mark this time as 'approved off-site activity'. Unlike pupils who are registered on a temporary reduced timetable, schools have no responsibility for the welfare of the child while he or she is at home, for the 'home part of the planned provision.

6. Complaint's procedure

- 6.1. Resolution regarding complaints about the elective home education officer should be made to the Lead Elective Home Education officer in the first instance by telephone or writing to:

Lead Elective Home Education Officer
Medway Council
Gun Wharf
Chatham
ME4 4TR

01634 337308
email: homeeducation@medway.gov.uk

- 6.2. If the complaint relates to the actions of the officers, or the policy contact should be made with the manager with responsibility for elective home education either by telephone or in writing to:

Attendance Team Manager (AASSA)
Medway Council
Gun Wharf
Chatham
ME4 4TR

Tel: 01634 337310
Email: aassa@medway.gov.uk

7. Abbreviations

LA	Local Authority
EHE	Elective Home Education
CME	Children Missing Education
SAO	School Attendance Order
DBS	Disclosure and Barring service

Appendices

Appendix 1:

Communicating with parents regarding elective home education

Model text of a letter from headteacher to parent in acknowledgement of parent decision to elect to home educate their child.

MODEL TEXT 1a – from headteacher to a parent

Schools are advised of this model text when a parent informs the school of their intention to electively home educate.

Dear **(name of parent)**

Thank you for informing us of your election to home educate your child, **(name of learner and date of birth)**. We appreciate the time you must have taken in order to reach your decision. Utilising the right you have as a parent/carer to home educate your child, away from the community of their peers, is not a decision that you will have taken lightly.

Be assured that my staff and I will be disappointed to see **(first name)** leave our school community. Although you have shared some reasons for making the decision, we are very keen to understand more about the motivations and intentions associated with the choice you have made.

The enriched curriculum that schools provide offers a broad and balanced range of subjects that seek to develop the whole child. This ensures that all children enjoy their life and are able to fully take part and contribute towards life in the 21st century. You may be aware that within the current national curriculum, all children are expected to study, core subjects; mathematics, English including drama, and science. Additionally, a wide range of foundation disciplines support wider learning and include as a minimum, art and design, citizenship, computing, design technology, geography, history, foreign languages, music and physical education, including dance. This offer forms the 'basic' curriculum in England entitlement which is funded entirely by the state.

I must inform you that there is no financial support available to families who choose to educate at home, this includes from either the government or remuneration from a school that a learner is withdrawn from. The full cost of providing the expected, extensive curriculum at home, which includes undertaking public examinations and other qualifications, is considerable and will need to be met solely by you.

We would like to help you as you embark upon your journey as an education provider and would welcome the opportunity to speak with you as soon as possible. If there is any doubt about whether you are making the right choice for your child then we would urge you to speak to one of my colleagues who will be able to offer a professional perspective and advice in the delivery of a broad education. If for some reason, you have some misgivings about our provision, and there is an underlying reason for making your decision, then we would most appreciate your time so that we can understand the situation better and work out a way that keeps **(first name)** in our learning community and amongst their peers and friends.

Should you wish to exercise your parental right and uphold your decision to choose to home educate your child, then we are obliged by the local authority to remove **(first name)** from our registers and report the withdrawal to the Attendance Team at Medway Council. In order to support you further, Elective Home Education officers can offer independent information regarding elective home education, you can contact them: *Tel. 01634 337308*.

Please note that should you wish to re-join a state school community after a period of elective home education, then it is most likely that Medway Council would expect the original host school to accept the return. We are committed to supporting our young people and to working in partnership with families; please do not hesitate to contact the school in order for us to meet and discuss the appropriate next steps, as soon as we both can.

Yours sincerely

Headteacher

Confirmation of Parent Right to Elect to Home Educate

FORM EHE 1

**This form is to be completed in full by the host school
and forwarded to Medway Council – Inclusion Service without delay**

homeeducation@medway.gov.uk

School		
Headteacher		
Headteacher representative completing this form	Date	
	Name	Role
Learner name		
Date of birth		
UPN		
Learner year group		
Address Line 1		
Address Line 2		
Address Postcode		
Parent/care name giving notice to educate at home	Name	Mother / Father
Parent telephone		
Parent Email		
Does the parent live at the same address as above?	YES	NO
Parent address if different		
Address Line 2		
Address postcode		
Does the child have an education health & care plan?	Details...	
If this elective home education presents any safeguarding concerns by the school regarding the child being at home have Social Care been informed	Date & Person notified	
Support agencies involvement		
	Name and contact details for each	
Medway Young Peoples' Wellbeing Service MYPWS (NELFT)	Involved?	
Social Care	Involved?	
Youth Offending Team	Involved?	
Early Help	Involved?	
Other	Involved?	
Department for Education - categorisation		
Please select from the following DfE categories, the main reasons why EHE was elected from your understanding of the parent's motivation to home educate.	✓	
At risk of exclusion		
Did not get school preference		
Difficulty accessing a school place		

Dissatisfaction with the school - bullying	
Dissatisfaction with the school – general	
Dissatisfaction with the school – SEND	
Health concerns relating to Covid19	
Lifestyle Choice	
Mental Health	
Other	
Parent/guardian didn't give a reason	
Permanent exclusion	
Personal reason	
Philosophical or preferential reason	
Physical health	
Religious reason	
Suggestion/pressure from school	