

Elective Home Education Policy

Revised August 2025

**Children & Adults' Directorate
Education and SEND
Gun Wharf
Dock Road
Chatham
ME4 4TR**



Introduction

- 1.1. Medway Local Authority (LA) has a statutory responsibility to advocate for vulnerable children and young people, promote high-quality education for all, and ensure fair access to school placements for every child who seeks one.
- 1.2. We believe that education in Medway should empower all children—regardless of age, ability, background, or faith—to achieve their aspirations, access diverse opportunities, and build meaningful relationships with their peers.
- 1.3. This Elective Home Education (EHE) policy aligns with the [Department for Education's 2019 guidance documents: Elective Home Education – Departmental Guidance for Local Authorities](#) and [Elective Home Education – Departmental Guidance for Parents](#).
- 1.4. Elective home education refers to a parental decision to educate their child at home, either exclusively or in combination with other methods, rather than enrolling them in full-time school. This differs from education provided by the LA outside of a school setting, such as tuition for children unable to attend school due to illness.
- 1.5. The purpose of this policy is to outline how Medway LA fulfils its statutory duties and engages constructively with families who choose to home educate.
- 1.6. Medway LA values families who opt for EHE and seeks to build collaborative relationships with them. This policy sets out the respective roles and responsibilities of both families and the LA, along with key procedural information.
- 1.7. This policy should be read in conjunction with other relevant LA policies and procedures, including those related to [Children Missing Education \(CME\)](#), the Fair Access Panel (FAP), and child protection. It reflects the safeguarding principles outlined by the Medway Safeguarding Children Partnership (MSCP).
- 1.8. The policy applies to children of compulsory school age residing in Medway, whose parents or guardians (as defined by the [Children Act 1989](#) and [s576 of the Education Act 1996](#)) have chosen to educate them at home.
- 1.9. The consent of the local authority is not required for a child to be electively home educated, except where the child is enrolled in a special school arranged by the LA.
- 1.10. Parents of children who have never been enrolled in a school are not legally required to notify the LA of their decision to home educate. However, we encourage all such families to inform us, to help ensure appropriate support and safeguarding.
- 1.11. Medway LA has a statutory duty to ensure that all children, including those who are electively home educated, receive a suitable education. The Department for Education recognises that inadequate education can negatively affect a child's intellectual, emotional, social, and behavioural development.
- 1.12. Medway Local Authority is of the view that Children in Care (CiC) to the local authority should not be electively home educated. It is the expectation that an appropriate, regulated education setting is made available to meet the child's educational, emotional, and safeguarding needs. This position aligns with statutory guidance and

reflects the duty of the local authority as corporate parent to ensure access to full-time, suitable education provision.

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. Definition of ‘Parent’ in Education Law

For the purposes of education law, Medway Local Authority adheres to the definition of ‘parent’ as set out in Section 576 of the Education Act 1996, which remains current and applicable in 2025 1. A ‘parent’ is defined to include:

- All biological parents, regardless of marital status.
- Any individual with parental responsibility for a child or young person—this may include adoptive parents, step-parents, guardians, or other relatives.
- Any person who has care of a child or young person, even if they are not the biological parent and do not hold formal parental responsibility.

A person is considered to have care of a child if the child lives with them—either full-time or part-time—and they are responsible for the child’s day-to-day wellbeing, regardless of their legal or biological relationship to the child.

This inclusive definition ensures that all individuals who play a significant caregiving role in a child’s life are recognised within the scope of education law.

- 1.4. Medway Local Authority (LA) will make enquiries in all cases where parents or carers have chosen to home educate, to determine whether the child is receiving a suitable education. This duty is in line with [Section 436A of the Education Act 1996](#), which requires LAs to identify children not receiving suitable education.
- 1.5. Where it appears that a child of compulsory school age is not receiving suitable education, the LA is required under [Section 437\(1\) of the Education Act 1996](#) to serve a formal notice in writing. This notice asks the parent or carer to provide evidence, within a specified timeframe, that suitable education is being provided.
- 1.6. If the parent or carer fails to satisfy the LA and it is deemed expedient for the child to attend school, the LA must issue a School Attendance Order (SAO) under Section 437(3) of the Education Act 1996. The SAO will name a specific school and require the parent to register the child there. The selection of the school is governed by Sections 436A to 438 of the Act. Failure to comply with an SAO is a criminal offence. Parents may still apply for a place at another school, subject to availability.

- 1.7. Parents who wish to request a change to the school named in the SAO must write to the LA to request a variation. Alternatively, they may seek to have the SAO revoked by providing evidence that suitable education is now being delivered at home. If the LA refuses to revoke the order, parents may escalate the matter to the Secretary of State for Education by contacting the Department for Education directly.
- 1.8. The law does not prescribe the specific information that parents or carers must provide to demonstrate that suitable education is being delivered. Medway LA deem that parents/carers should be able to provide sufficient information, within a reasonable timeframe, which would demonstrate that a suitable education is being provided. Parents may choose to involve tutors or other educators in delivering home education. While it is not a legal requirement for these individuals to hold a Disclosure and Barring Service (DBS) check, Medway LA strongly recommends that parents ensure tutors are appropriately qualified and have undergone a current DBS check, particularly where they are working unsupervised with children. The responsibility for vetting and safeguarding in these arrangements rests with the parent or carer.
- 1.9. Guidance to support parents/carers in the preparing suitable information about the education they intend to deliver is given in the government's [Elective Home Education: Departmental Guidance for Parents April 2019](#).
- 1.10. Under [Section 175\(1\) of the Education Act 2002](#), the LA also has a duty to safeguard and promote the welfare of children. This includes ensuring that all functions carried out in its capacity as a local education authority are exercised with a view to protecting children's wellbeing.
- 1.11. The Attendance Manager is responsible for overseeing Medway's statutory data collection for both Elective Home Education (EHE) and Children Missing Education (CME), in accordance with Department for Education requirements.

2. International Human Rights Conventions and the Right to Education

- 2.1. **The European Convention on Human Rights (ECHR)**

Article 2 of Protocol 1 of the ECHR affirms that no person shall be denied the right to education. It also establishes that the State must respect the rights of parents to ensure that education and teaching are provided in accordance with their own religious and philosophical convictions. This principle supports parental choice in education, including elective home education, as long as the education provided is suitable.
- 2.2. **The United Nations Convention on the Rights of the Child (UNCRC)**

The UNCRC outlines the global commitment to children's rights in education, including both access and quality:

 - **Article 28:** Every child has the right to education. Primary education must be free, and different forms of secondary education must be accessible to every child. States must take appropriate measures to encourage regular attendance and reduce dropout rates.

Article 29: Education must aim to develop each child's personality, talents, and mental and physical abilities to their fullest potential. It should promote respect for

human rights and fundamental freedoms, respect for parents, cultural identity, language and values, and prepare the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality, and friendship among all peoples.

3. Elective home education and safeguarding

- 3.1. Medway Local Authority has a statutory duty to safeguard and promote the welfare of children under [section 175 Education Act 2002](#), and Sections 10 and 11 [Children Act 2004](#)). These powers permit the council to make enquiries and, where necessary, see children to assess their welfare under [sections 17 and 47 of the Children Act 1989](#)). However, these powers do not entitle the council to insist on seeing children who are electively home educated solely to determine the suitability of their education.
- 3.2. Where safeguarding concerns exist and children are not seen despite reasonable requests from the Elective Home Education Officer, the council will share relevant information with other children's services and safeguarding partners, in line with statutory guidance.
- 3.3. Medway LA expects parents and carers to respond to reasonable requests for information that enable the LA to fulfil its statutory duties in the best interests of the child.
- 3.4. Parents have the right to educate their child at home, regardless of whether the child has identified special educational needs (SEN). Where a child has an Education, Health and Care (EHC) Plan and is being home educated, Medway LA remains responsible for maintaining and reviewing the plan annually. Medway LA will assess whether the education provided at home is suitable to meet the child's SEN. If it is not, Medway LA retains responsibility for ensuring the child's needs are met appropriately.
- 3.5. Parents and carers are requested to notify the council of their intention to withdraw a child from school to electively home educate. This supports effective safeguarding and ensures statutory responsibilities are met. This request aligns with [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#)
- 3.6. Schools are required to notify Medway LA when a parent intends to withdraw a child for elective home education, in accordance with [Regulation 8 of the 2024 Pupil Registration Regulations](#).
- 3.7. Where a child is enrolled in a special school under arrangements made by Medway LA, formal consent from the authority is required before the child can be removed for elective home education. Medway LA also retains responsibility for amending and reviewing the EHC Plan through the [Annual Review Process](#).
- 3.8. Schools must inform Medway LA via homeeducation@medway.gov.uk on the same day they receive written notification from a parent expressing intent to withdraw a child for elective home education.
- 3.9. Medway schools are requested to keep the child on roll for 10 school days following notification to the LA. This period allows for meaningful engagement with the family,

clarification of legal and statutory responsibilities, assurance of safeguarding arrangements, and the provision of any necessary support.

- 3.10. Medway LA does not receive dedicated funding to support families who electively home educate. However, it is committed to working in partnership with parents and relevant agencies to offer appropriate advice, guidance, and support where possible.

4. Responsibilities

- 4.1 All parents have a legal duty to ensure that each of their children of compulsory school age receives a suitable, full-time education. As stated in [Section 7 of the Education Act 1996](#):

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

- 4.2 Parents who choose to electively home educate must ensure that the education provided is broad and balanced, enabling their child to participate fully in life in the UK now and in the future. The education should support the development of independence and include opportunities for social interaction with peers of a similar age.
- 4.3 Parents who electively home educate are expected to understand their legal responsibilities and assume full financial responsibility for their child’s education. The home learning environment must be conducive to delivering a suitable education and must not compromise the child’s welfare. If parents choose to send their child to an unregistered independent setting, either full-time or part-time, there is a presumption in law, [under Section 463 Education Act 1996](#) that this may not constitute a suitable, full-time education. .
- 4.4 Parents are encouraged to work collaboratively with Medway LA to support the authority in fulfilling its statutory duties to ensure all children receive a suitable education, their welfare is promoted, and they are safeguarded.
- 4.5 If parents decide to home educate and withdraw their child from school, they must notify the headteacher in writing. Failure to do so may result in legal action for non-attendance. The school is required to inform Medway LA of the change in circumstances. Medway LA encourages parents to discuss their options, including elective home education, with the headteacher before formally notifying the school of their decision.
- 4.6 Under [Section 436A of the Education Act 1996](#), Medway LA must make arrangements to identify, so far as possible, children of compulsory school age who are not receiving suitable full-time education.
- 4.7 Medway LA ordinarily contacts home educating families at least once a year to reasonably inform itself of the suitability of the education being provided. Where there are no previous concerns and the education continues to meet expectations, this contact may be brief and proportionate.

- 4.8 Medway LA works in partnership with health services, police, social care, and post-16 services to identify and support children who are being home educated, in accordance with data protection and other relevant legislation.
- 4.9 Parents are encouraged to notify Medway LA when they move into or out of the local authority area and are home educating, to support continuity of oversight and safeguarding.

5 The Role of the School

- 5.1 There is no legal requirement for parents to consult with their child's school before deciding to home educate. However, if a parent approaches the school to discuss the possibility of EHE, Medway LA expects the school to respond constructively and professionally. If the decision is being considered due to a dispute or dissatisfaction with the school, Medway LA expects the school to take reasonable steps to resolve the issue and explore alternatives before EHE is pursued.
- 5.2 Schools should signpost parents to homeeducation@medway.gov.uk for impartial advice and guidance. This enables parents to make an informed decision before formally removing their child from the school roll.
- 5.3 Medway LA encourages parents to discuss their intention to home educate with the school prior to submitting formal written notification. In line with Department for Education guidance, schools are encouraged to invite parents to a meeting to discuss the implications of EHE and explore available support.
- 5.4 Once a parent has formally notified the school in writing of their intent to home educate, the school must complete and submit an on/off roll data return to onoffroll@medway.gov.uk. This must be done within five school days of the child being removed from the roll, in accordance with [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#).

6 Principles supporting Elective Home Education

Medway Local Authority will:

- 6.1 Seek to ensure that its policy and procedures on elective home education are clear, consistent, and non-intrusive.
- 6.2 Work with parents and carers to develop effective and supportive partnerships.
- 6.3 Welcome the collaboration from home education organisations in developing and reviewing the council's elective home education policy and practice.
- 6.4 Provide written information will be made available to parents/carers in local community languages and alternative formats on request.
- 6.5 Provide a named lead officer with responsibility for implementing elective home education policy.
- 6.6 Be sensitive to the wishes of families who elect to home educate, supporting and intervening proportionately to the circumstances of each family.

- 6.7 The LA 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 virtual school, social care, admissions, SEND, post-16, educational psychology and attendance. The information may also be shared with the police to inform their truancy monitoring.
- 6.8 If, in the future, you wish to re-enrol your child in a Medway school, your application may be referred to the Medway Fair Access Panel (FAP), and it is likely that your child would return to their previous school, in line with Medway's FAP protocols. Parents/carers will need to make contact with the admissions team for further guidance by emailing casualadmissions@medway.gov.uk or telephoning 01634 331110.

7 Flexi-schooling

- 7.1 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.
- 7.2 Schools should record the agreement as 'flexi-schooling' in line with their attendance policy.
- 7.3 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.
- 7.4 Arrangements for flexi-schooling may make both the identification of SEN and the ability to meet those needs more difficult to secure. An effective assessment would need to take place across both the school and home-schooling elements of the child's education which could present logistical challenges.
- 7.5 Where a child has an Education, Health and Care plan (EHCP) the decision to agree to flexi-schooling must be taken in conjunction with the local authority (LA). If flexi-schooling is agreed upon for a child with an EHCP, this should be recorded on the EHCP and progress monitored through the usual annual review process. The school receives full funding for flexi-schooled pupils and they must be included on all census returns. The responsibility for the flexi-school arrangement lies with the school and not the LA. The school will need to work with parents to address any issues that arise.
- 7.6 Where the pupil is receiving education at home will be recorded as 'authorised absences' within the school's register. This will have a detrimental impact on the

overall absence levels of the school in question. The code schools are required to enter into their register for any such sessions is the '**C**' code which reflects that the pupil is absent due to 'other authorised circumstances'. In other words, the flexi-schooling arrangement has permitted the pupil to be absent from school.

- 7.7 Neither the LA nor the school has a statutory duty to monitor the quality of home education on a routine basis. If it appears to the school that parents or carers are not providing a suitable education as agreed, the school may ask the parent or carer to take remedial action. If the parent or carer declines to do so or the school is still concerned about the provision of education at home, the school may withdraw its agreement to the flexi-schooling arrangement. The child would then be required to return to school full-time. If the parent or carer declines to do so or the school is still concerned about the provision of education at home, the school may withdraw its agreement to the flexi-schooling arrangement. The child would then be required to return to school full-time.
- 7.8 Headteachers can refuse to agree to flexi-schooling requests and there is no right of appeal against the decision.
- 7.9 A School Attendance Order would not be appropriate as the child is on the roll of a school.
- 7.10 The use of '**C**' code as an 'authorised absence'. During a school inspection, schools will be required to provide a clear narrative behind weaker attendance data, particularly in relation to use of '**C**' code. There is accountability for the performance of pupils in relation to those who the school have agreed to attend through a flexi-school programme; schools that have flexi-schooled pupils should be ready to discuss arrangements in place to deal with the requirements of these pupils.
- 7.11 Schools that have approved a parent/carer's request for flexi-schooling must provide Medway LA with a copy of the signed flexi-schooling agreement. This should be submitted via email to homeeducation@medway.gov.uk.

8 Complaint's procedure

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

CME/EHE Lead Officer
Medway Council
Gun Wharf
Chatham
ME4 4TR

01634 337308
email: homeeducation@medway.gov.uk

- 8.2 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 Manager

Medway Council

Gun Wharf

Chatham

ME4 4TR

Tel: 01634 337310

Email: homeeducation@medway.gov.uk

9 Abbreviations

LA	Local Authority
EHE	Elective Home Education
CME	Children Missing Education
SAO	School Attendance Order
DBS	Disclosure and Barring service
MVS	Medway Virtual School
CSC	Children's Social Care

Appendices

Appendix 1: Template letter from headteacher to parent in response of parent/carer decision to electively home educate their child.

Dear {NAME OF PARENT/CARER}

Name:

DOB:

School:

Thank you for informing us of your intention to electively home educate your child, **[Child's First Name]**. We recognise that this is a significant decision and appreciate the time and consideration you have given to this matter.

We are naturally disappointed to see **[Child's First Name]** leave our school community, and we are keen to understand the reasons behind your decision. If you have any concerns regarding our provision or are uncertain about whether home education is the right choice for your child, we strongly encourage you to speak with **[Name of Staff Member or Team]** at your earliest convenience.

In accordance with Medway's Elective Home Education Policy, schools are required to retain a pupil on roll for a period of 10 school days following notification to Medway Local Authority (LA). This period allows time to address any concerns you may wish to raise and to ensure that your decision is fully informed.

Please be aware that there is no financial support available from either Medway LA or the school for families who choose to educate their child at home. This includes educational resources and examination fees, which must be met entirely by the parent/carer. Additionally, entitlement to Free School Meals (FSM) will cease once your child is removed from the school roll.

The curriculum provided by schools is designed to be broad and balanced, supporting the academic and personal development of all pupils. Under the national curriculum, children are expected to study core subjects such as English, Mathematics, and Science, alongside a range of foundation subjects. This offer forms part of the basic curriculum entitlement in England and is fully funded by the state.

Should you decide to proceed with elective home education (EHE), we are required to notify Medway LA. If, in the future, you wish to re-enrol your child in a Medway school, your application may be referred to the Medway Fair Access Panel (FAP), and it is likely that your child would return to their previous school, in line with Medway's FAP protocols.

We remain committed to supporting all our pupils and working in close partnership with families. For further information on Elective Home Education, we encourage you to consult the Department for Education's [guidance for parents](#). You may also contact Medway LA Elective Home Education team directly via email at homeeducation@medway.gov.uk should you require further advice.

Yours sincerely

Headteacher

{Name school}

Appendix 2: Confirmation of Parent Right to Elect to Home Educate

2025-2026 Elective Home Education Notification Form (EHE 2025)

This form is to be completed in full by the school
and forwarded to Medway Council via homeeducation@medway.gov.uk
on the day of receiving parent/carers notification.

School:	
Headteacher:	
Headteacher representative completing this form:	
Role:	
Date notification received from Parent/Carer:	
Expected date to be removed from school roll: <i>(10 school days, in accordance with Medway Elective Home Education Policy).</i>	
Child's Legal Name:	
Child's Preferred Name <i>(if different to above)</i>	
Date of birth	
UPN	
Year group	
Address	
Postcode	
Parent/Carer name giving notice to educate at home	
Relationship to Child	
Parent's/Carer's Full Name/s <i>(who reside at the same address as the pupil, include salutation):</i>	
Parent Telephone Numbers	
Parent Email Address	
Does the child have an education health & care plan?	Yes/No
If yes, has the Medway LA EHCP caseworker been notified?	Yes/No
Name of Medway LA EHCP caseworker and date notified:	
If this elective home education presents any safeguarding concerns by the school regarding the child being at home have Social Care/Family Solutions been informed?	Date referral made:
Support agencies involvement	Name and contact details for each
Medway Young Peoples' Wellbeing Service MYPWS (NELFT)	
Social Care	

Youth Offending Team	
Family Solutions	
Other	
Department for Education	Categorisation
Please select from the following DfE categories, the main reasons why EHE has been elected from your understanding of the parent's motivation to home educate.	✓
Did not get school preference	
Difficultly 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 – <i>please state reason</i>	
Parent/guardian did not give a reason	
Permanent exclusion	
Philosophical or preferential reason	
Physical health	
Risk of exclusion	
Religious reason	
Suggestion/pressure from school	

Appendix 3: Flexi-schooling Agreement Template.

FLEXI-SCHOOLING AGREEMENT

Pupil Name:
Year Group:
Date of Agreement:
Review Date:
Prepared by:

1. Introduction

This Flexi-Schooling Agreement outlines the terms under which **PUPIL NAME** will be educated part-time at **SCHOOL NAME** and part-time at home, through tutoring arranged by the pupils parents/carers. This agreement has been made in accordance with the Medway Elective Home Education Policy 2025.

2. Flexi-Schooling Timetable

PUPIL NAME will attend **SCHOOL NAME** on the following schedule:

- **Monday:**
- **Tuesday:**
- **Wednesday:**
- **Thursday:**
- **Friday:**

Example: Wednesdays and Fridays, **PUPIL NAME** will be collected at 12:00pm, at the beginning of the lunch period, to attend a home tutoring session from 1:00pm onwards. These sessions are organised and delivered by a tutor sourced by their parent/carers.

3. Parental Responsibility

- During the times **PUPIL NAME** is not in school, including the home tutoring sessions, the full responsibility for the pupil's safety and welfare lies with their parent/carers.
 - Parent/carers are responsible for ensuring a tutor holds an up-to-date DBS certificate and is suitably qualified to support their child's educational needs.
 - Parent/Carers are responsible for providing education during the timetabled flexi school hours/days.
 - Parent/carers to liaise regularly with their child/s school regarding attainment and progression.
-

4. School Responsibility

- The school retains responsibility for monitoring **PUPIL NAME** 's attainment and progression.
 - The school will record agreed timetabled absences as '**C**' code ("Other authorised circumstances") in the register, indicating that these are agreed absences under the flexi-schooling arrangement.
 - The school will provide a clear rationale for these absences during Ofsted inspections and will continue to include **PUPIL NAME**'s performance in monitoring and reporting.
-

5. Conditions of Agreement

- The school is **not responsible** for the quality of the home education provided but may request evidence of educational provision if there are concerns.
 - If the school considers the flexi-schooling arrangement unsatisfactory, or if the agreed provisions are not followed, the **school reserves the right to withdraw this agreement**, requiring **PUPIL NAME** to return to full-time school attendance.
 - This agreement is subject to **termly review**, during which all parties will meet to evaluate the arrangement and make adjustments as necessary.
 - The school will share the signed flexi-schooling agreement with Medway LA.
-

6. Signatories

This agreement has been discussed and agreed upon by the following individuals:

Parent/Carer Name: _____

Signature: _____

Date: _____

Head Teacher Name: _____

Signature: _____

Date: _____

Governor Representative Name: _____

Signature: _____

Date: _____