

# **Elective Home Education Policy**

*This policy was last updated in November 2022 and will be reviewed in July 2023*

## **Rationale**

*This policy has been written with due regard to the DFE document, Elective Home Education: Departmental Guidance for Local Authorities April 2019 and 'Elective Home Education: guidance for parents' (April 2019).*

The policy document sets out:

- An overview of the legal responsibilities and expectations of all those involved with parents/carers who commit to the responsibility of educating their own child
- Procedures for identifying those children who are being electively home educated
- The safeguarding procedures which are in place to ensure that Children educated at home are not at risk of abuse, neglect, or exploitation and which help to ensure that the rights of the child/young person are protected.

The policy applies to those children whose parents and carers (with parental responsibility) \* have chosen to educate their children at home.

We have produced this document in conjunction with Sefton Health partners, the Sefton Legal Team, Sefton Education Teams, Sefton Children's Services teams. We aim to review this policy at least every two years or following changes to legislation or Government guidance.

## **Introduction**

1.1 Throughout this policy, 'parents' should be taken to include all those with parental responsibility, including guardians and care givers.

1.2 Elective home education (EHE) 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.

1.3 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.

1.4 EHE pupils educated at home are not registered at mainstream special or independent schools, academies, free schools, Pupil Referral Units (PRUs), fulltime college courses or children's homes with education facilities.

1.5 EHE is different to flexi-schooling arrangements, which are agreed to at the discretion of the headteacher of the school where the child is on roll.

1.6 EHE is different from 'home-schooling' or 'remote learning' such as during the pandemic when schools were closed to all but vulnerable children and children of

key workers. Children then remained on their school roll and parents taught them using resources and online learning provided by the school.

1.7 Sefton has a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise. This duty relates only to children of compulsory school age.

1.8 Where necessary, the Local Authority will share with and receive information from other Local Authorities and partner agencies, such as health services, school admissions, police, refuge, Youth Justice Services, children's social care, HMRC and health providers in the course of establishing the whereabouts of a child. Such partner agencies may become aware of the arrival or existence of a child living in an area, who is not receiving suitable education, before the Local Authority does (for example children of migrant worker families).

1.9 By raising such concerns, the Local Authority should be more readily able to identify and record children in the Borough who are being home educated, or may be home educated, and for whom the suitability of education being provided has not yet been firmly established or is due for review.

1.10 Section 10 of The Children Act 2004 places a duty on all Local Authorities to cooperate with each other and prescribed others, to improve the wellbeing of children in their area and have regard to guidance issued by the Secretary of State when so doing.

1.11 The arrangements are to be made with a view to improving the well-being of children in the authority's area so far as relating to:

*(a) physical and mental health and emotional well-being.*

*(b) protection from harm and neglect.*

*(c) education, training and recreation.*

*(d) the contribution made by them to society.*

*(e) social and economic well-being.*

1.12 Under section 11 of the same Act, each prescribed person and body must make arrangements to ensure that functions are discharged with regard to the need to safeguard and promote the welfare of children.

1.13 These principles underpin this policy and there is an expectation that all agencies and professionals will work together and with parents to ensure that all children are kept safe and receive an appropriate education.

1.14 The Data Protection Act 2018 and General Data Protection Regulation do not prohibit the collection and sharing of personal information, but rather provide a framework to ensure that personal information is shared appropriately.

1.15 Where there are concerns as to the suitability of the home education which amounts to possible neglect causing significant harm, the Local Authority will share data on children with its partner agencies, relying on its powers under the Children Act as the lawful basis. The general duties of local authorities in relation to safeguarding are the same for all children, however they are educated.

1.16 For example, a failure to provide suitable education can satisfy the threshold requirement contained in section 31 of the Children Act 1989, specifically that '*the child concerned is suffering, or is likely to suffer, significant harm*'. Further information about safeguarding responsibilities can be found in section 8 of this policy.

1.17 Any decision to share personal data must be recorded in writing, setting out the decision and reasons for the sharing i.e., exactly what information has been shared, the lawful basis, with whom and for what purpose. This is particularly important if a decision has been made to share without the consent of the subjects involved.

1.18 The key principles are necessity, proportionality, relevance, adequacy, accuracy, timeliness, and security. Professionals must ensure that the information they share is necessary for the purpose(s) for which they are sharing it, is shared only with those individuals who need to have it, is accurate and up to date, is shared in a timely fashion and is shared securely.

## **2 Legal Requirements**

2.1 The Education Act 1996, Section 7, states that it is the duty of the parent of every child of compulsory school age, "to cause the child to receive efficient fulltime education suitable to his/her age, ability and aptitude, and to any special educational needs he or she may have, either by regular attendance at school or otherwise".

- A child is of compulsory school age at the beginning of the 1st term after their 5th birthday, so:
- children who turn 5 between 1st January and 31st March will be of compulsory school age at the beginning of the school term after 31st March.
- children who turn 5 between 1st April and 31st August will be of compulsory school age at the beginning of the school term after 31st August.
- children who turn 5 between 1st September and 31st December will be of compulsory school age at the beginning of the school term after 31st December.

2.2 A child continues to be of compulsory school aged until the last Friday of June in the school year that they reach age of sixteen.

2.3 Young people need to then comply with the Raising Participation Age (RPA) legislation 2013 and remain in education or training up until the age of eighteen.

2.4 The Local Authority (LA) acknowledges the legal right of parents/carers and guardians to educate their children otherwise than at school. The LA recognises that this is a significant commitment, and therefore aims to develop positive and supportive relationships with parents based on trust and mutual respect, working together to ensure the best educational interests of the child.

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

2.6 Sections 437 to 443 of the Education Act 1996 place a duty upon local authorities to take certain actions, if it appears that a child is not being suitably educated.

2.7 "If it appears to a Local Education Authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education." (Section 437 (1))

2.8 Nowhere in the Act does it state that regular monitoring of suitable education is a legal responsibility of the Local Authority. However, it is the experience of officers in this Authority that parents do appreciate receiving regular visits and maintaining a link with the Authority. Such good practice has therefore been adopted as part of the policy.

If, however, parents do not wish to take up this opportunity, they may offer an alternative way of demonstrating that they are providing suitable education e.g., by outlining their philosophy for their child's education, showing examples of work, or providing reports from parents or independent tutors.

2.9 Whenever possible the Local Authority will be proactive in discussing parents' intentions to home educate before putting this into effect.

2.10 There are no specific legal requirements as to the content of home education, provided the parents are meeting their duty in s.7 of the Education Act 1996.

2.11 This means that education does not need to include any specified subjects and does not need to have any reference to the National Curriculum; and there is no requirement to enter children for public examinations. There is no obligation to follow the 'school day' or have holidays which mirror those observed by schools. Many home educating families do follow a clear academic and time structure. The Local Authority recognises that different approaches may be taken by parents in this respect such as autonomous or self-directed learning, or a flexible approach as to when education is taking place.

2.12 Article 2 of the Protocol of the European Convention on Human Rights states that: “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 to ensure such education and teaching is in conformity with their own religious and philosophical convictions.”

2.13 Section 7 of the Education Act 1996 states that: “the parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to

- a) his/her age, ability, and aptitude
- b) any special educational needs he/she may have either by regular attendance at school or otherwise”

This means that the responsibility for children’s education rests with their parents.

2.14 The LA seeks to work in partnership with any of the voluntary organisations or groups with specific interest in this area to ensure the best outcomes for children and young people.

2.15 Sefton believes that every child and young person in receipt of Elective Home Education should have the right to a broad, balanced, and appropriate curriculum experience that is stimulating and challenging and enables them to achieve their full potential.

2.16 An “efficient” and “suitable” education is not defined in the Education Act 1996 but has been described in case law (in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust 1986) as an education that ‘achieves that which it sets out to achieve’ and ‘primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child’s options in later life to adopt some other form of life if he wishes to do so.’

If a child is not attending school full-time, the law does not assume that child is not being suitably educated. It does require the Local Authority to enquire what education is being provided. The Local Authority currently recognises that parents are under no legal obligation to inform the Local Authority that they are home educating, although many parents do so voluntarily. If any Local Authority Officer becomes aware of such a situation, they should forward any details known to the Elective Home Education Co-ordinator. (Contact Details are provided in section 15 of this document.)

2.17 Parents/carers are under no legal obligation to inform the LA of their intention to educate their child at home if their child is:

- not registered at a state school
- under 5 years old
- attending a private school
- educated at home and the family move to another LA.

- between schools having completed primary school but not registered at secondary school. In Sefton however, if a parent has not informed the LA of their intention to home educate at this transition point, the schools admissions department would automatically allocate a school place.

### **3. Parental Rights and Expectations**

3.1 Parents may decide to exercise their right to home educate their child from a very early age and not enrol the child at a school. They may also elect to home educate at any stage up to the end of compulsory school age.

3.2 The DfE strongly recommends that parents think carefully about EHE before they withdraw their child from a school. We expect that Sefton schools will invite parents in for a meeting if they become aware of parent's intentions. Parents may also contact the EHE Team directly if they would like further information or advice.

3.3 If the child is on a school roll, then parents must notify the headteacher in writing if they are taking them out of school. Although parents do not have to give a reason for their decision, the DfE it would consider it sensible to do so, both to avoid any future misunderstanding about how they plan to fulfil their parental responsibilities and also to facilitate access to advice and support.

3.4 Parents whose child is not enrolled at a school have no obligation to inform the LA that they are home educating. But, as stated in the DfE Guidance, it would be sensible to do so.

3.5 If the child attends a special school named in their education, health, and care plan (EHCP), then parents must seek approval from the Local Authority. To discuss requests, a meeting is convened to review the EHCP in light of parents' requests.

3.6 If parents/carers already educate their children at home and move into Sefton, good practice would be to write to the Named Officer and provide the following:

- the child's name, date of birth and address
- the date that education at home started or will start
- the name of the last school the child attended along with leaving date.

3.7 Parents do not need to be qualified teachers to home educate and there is no requirement to teach the National Curriculum, match age-specific standards or observe school hours, days, or terms. They must however ensure that their child receives suitable full-time education, although they do not need to have a fixed timetable or have formal lessons. Parents can choose to engage private tutors or other adults to assist them in providing a suitable education, although there is no requirement to do so, and learning may take place in a variety of settings, not just the family home.

3.8 It is strongly recommended that parents make appropriate checks on any settings that they use, as there may be no external assurances that they comply with basic standards such as vetting of staff and up-to-date policies and procedures around safeguarding children.

3.9 There are no direct funds available from Central Government or from the LA for parents who elect to home educate.

Home educating parents assume the full financial responsibility for their child's education. This includes the costs of resources, private tuition, courses, and public examinations.

Pupils from Y10 upwards may be able to access part time courses to supplement their home education arrangements through local FE colleges subject to availability.

#### **4-Considerations for Schools.**

**The following processes take into account the 2021 statutory guidance, "Keeping Children Safe in Education" which states:**

4.1 Many home educated children have an overwhelmingly positive learning experience. We would expect the parents' decision to home educate to be made with their child's best education at the heart of the decision. However, this is not the case for all, and home education can mean some children are less visible to the services that are there to keep them safe and supported in line with their needs.

4.2 From September 2016 the Education (Pupil Registration) (England) Regulations 2006 were amended so that schools must inform their LA of all deletions from their admission register when a child is taken off roll.

4.3 Where a parent/carer has expressed their intention to remove a child from school with a view to educating at home, we recommend that LAs, schools, and other key professionals work together to coordinate a meeting with parents/carers where possible. Ideally, this would be before a final decision has been made, to ensure the parents/carers have considered what is in the best interests of each child.

4.4 This is particularly important where a child has SEND, is vulnerable, and/or has a social worker.

4.5 DfE guidance for local authorities on Elective home education sets out the role and responsibilities of LAs and their powers to engage with parents in relation to EHE. Although this is primarily aimed at LAs, schools should also be familiar with this guidance.

4.6 When a child is registered at a LA school and the parent approaches the school to discuss the possibility of EHE, the school should respond to the parent positively and constructively.

4.7 The school should firstly seek to establish that the reason for considering EHE should be based on a positive parental choice, not on a dispute with the school. If it is the case that there is a dispute, the school should ensure that all steps have been taken to resolve the issue with the parent and pupil.

At the earliest opportunity, the school should also encourage the parents to discuss the situation with Elective Home Education staff and the relevant school representative for further advice and guidance to enable them to make an informed choice.

4.8 Issues to consider at this stage may include:

- the reasons for parents/carers wishing to educate their child at home
- the time and energy parents/carers will need to invest in the process
- the costs which may be involved in ensuring that the child(ren) receive a broad range of educational experiences with the knowledge that full financial responsibility to educate the child will rest with parents / carers
- access to, and costs associated with examination entries
- the possible risk of social isolation and potentially restricted personal development for the child

4.9 The EHE Officer will leave a copy of the Information for Parents/carers pack which reinforces and exemplifies the information above and provides information to help the parents to decide on their course of future action.

4.10 If a parent formally requests the deregistration of a pupil for Elective Home Education this should be in writing, addressed to the Headteacher.

4.11 The CME co-ordinator should be informed immediately by the Headteacher so that enquiries can be made regarding the pupil's whereabouts and safety before the child's name is deleted from the school roll. Both schools and the Local Authority will need to be satisfied that there are no specific concerns, such as:

- The child being subject to a School Attendance Order which has not been revoked.
- The child has been referred to Social Care or the police for child protection reasons and the matter is under investigation.
- The child being the subject of an education supervision order.
- There is a history of condoned absence, unmanaged truancy or other low-level concerns that may require further LA intervention by Education or Social Care professionals.

4.12 When a school receives formal written notice from a parent that a child is being withdrawn from school, to be home educated, they should forward a copy of the letter and the school's notification form to the CME Co-ordinator.

This will then be included for discussion and removal from roll date confirmed at the next available Monitoring and Placement Group. The school is responsible for completing the Off Roll Notification Form and submitting it to the Local Authority and will also be responsible for updating the SIMS database.

## **5 Notification by Head Teachers of a Parents Decision to Electively Home Educate**

5.1 Sections 8(1) (d) and 13(3) of the Education (Pupil Registration) Regulations 2006 places a duty on head teachers to inform the LA when a parent notifies them of their decision to home educate.

5.2 The head teacher should inform the LA prior to removing the child from the school's register. The child can be de-registered following receipt of the parent's written notification. Schools must also complete the school notification of elective home education form and return it to the named officer.

5.3 If the child is registered at a school as a result of a school attendance order, the parent must obtain the permission of the LA on the grounds that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be removed from the school's register and educated at home.

5.4 Schools must not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance or behaviour record.

5.5 If elective home education is considered unsuitable, the expectation is that the child will return to their former school, either through the In-Year Access Protocol (IYFAP) or through the statutory Education, Health & Care Plan (EHCP) arrangements.

## **6 The Local Authority's Duties and Arrangements – Initial Contact**

6.1 LAs do have a duty under the Education Act 1996 to establish whether home educated children are receiving efficient and suitable fulltime education and the DFE Guidance is clear that it would be sensible for parents to respond to enquiries.

6.2 The Local Authority seeks to offer guidance to all known home-educating families in Sefton area about their rights and obligations and provides advice on good practice and available resources for parents who request it.

6.3 The LA has a duty to maintain a register of all children known to be electively home educated

On receipt of a notification of EHE:

- The child's name will be placed on the EHE register.
- The LA will make enquiries, including from Social Care, the Health authorities, and any previous school/Early Years provision, to ensure that there are no known safeguarding concerns.

- The LA officer will attempt to contact parents to arrange a visit by telephone and/or by sending a letter within 20 working days of the initial notification.

#### **6.4 Notes**

a) EHE registrations will not be processed for Year 6 Children in term 6 of the academic year. These children will be recorded by the Monitoring and Placement Group until it is confirmed whether they have taken up the place offered at Secondary school in September; or, whether the parent has confirmed they will be home educating in Year 7 and have formally declined the Secondary school place, allowing the school to offer the place to those on the waiting list.

b) EHE registrations will not be processed for Year 11 Children from the end of term 5. These pupils will be recorded as Not in Education, Employment or Training. These pupils are no longer statutory school age.

c) EHE registrations will not be processed for children who have returned to school following a School Attendance Order, and/or where they were returned to school through the Local Authority. These children will be recorded as Children Missing Education, unless there is evidence of a substantive change in circumstances

6.5 Sefton's EHE Team routinely offers support visits and meeting to parents, which can be face to face or virtual. This provides an opportunity for the Team to gain insight and understanding of families' particular approaches, especially in relation to building on children's strengths and interests and meeting any additional needs they may have. In this respect, the LA is fulfilling its section 436A duty as described in the DfE guidance for parents. Although legally there is no requirement for families to engage with LA officers, it is helpful for us to be able to discuss education plans and to offer any support, as well as to identify any possible issues.

6.6 LA officers do not have an automatic right to access the home. However, under the safeguarding duties held by the LA, an LA officer would prefer to see the child and ideally the home, as this is usually the main venue where education is taking place. Elective home education may not be considered suitable if there is any reasonable cause for concern.

6.7 Where one or more of the conditions set out below are met, Sefton Council will invite every family who elect to home educate to participate in a meeting with an Elective Home Education Officer, the parent and the child, at a mutually convenient time and place, within 20 school days of receipt of the referral (or sooner if concerns are held or parents request an early visit).

- a) The child has a history of persistent unauthorised absence (=15% or higher).
- b) The child has a record of poor attainment in school as measured by progression in performance using prior attainment and National Curriculum Test Results as the basis for the assessment.

c) The child has been previously permanently excluded or has been subject to one or more fixed term exclusions.

d) The child has had current or historic involvement with Integrated Children's Services.

e) The child holds an Education Health & Care Plan

6.8 Where the above circumstances are identified and where appropriate, the Elective Home Education Offer can offer a variety of support options available from Sefton's Integrated Children's Services to the family.

6.9 Where the criterion for a visit applies and the EHE Support and Advice Officer has agreed an appointment with the parent, for a mutually convenient time, date, and venue; following two unsuccessful attempts to meet with the family, the process set out in 9.5 will be initiated and the parent will have the opportunity during this process to provide evidence of their child's education.

6.10 If no response is received and, if there is any reasonable cause for concern a referral will also be made to the Multi-Agency Safeguarding Hub (MASH).

6.11 As the DfE Guidance for Parents states 'If you do not do enough to satisfy the Local Authority about the education being provided at home it may have no option but to conclude that the education does not meet the s.7 requirement' (5.4).

6.12 A multi-agency Enquiry may then be considered to establish if the child is at risk of suffering significant harm. This may lead to a welfare check and an unannounced visit to the home arranged by a Social Worker. Parents will receive a report summarising the outcomes of the assessment.

6.13 If concerns are substantiated that a child is not in receipt of a suitable education, the child's name will be removed from the EHE list and they will be referred to the Children Missing Education (CME) Team. The CME process will then apply, and the child will be offered a school place through Sefton's admissions procedures.

6.14 The LA will gather any relevant information to assist in reaching a properly informed view that the education is suitable. This includes seeking from parents any information that explains how they are providing a suitable education. This could include a written report, telephone conversations, the child's views, samples of the child's work, a home visit, or a meeting outside of the home.

6.15 When the above criteria **do not** apply and parents decline the offer of a home visit, the EHE Team will request information about the education being provided (parents do not have a legal obligation to provide this) and will maintain contact in order to confirm that education continues successfully and to offer support. The EHE Officer will also offer phone or email contact.

## **7 Determining the suitability of education**

7.1 For most Sefton families who home educate, EHE is suitable, and they continue to home educate for as long as they feel it meets the needs of their child. The child's name remains on the EHE list, and an LA officer is allocated as the main contact for the family.

7.2 We recommend that parents gather as much information as possible about elective home education and ensure that they speak to their child's school or the EHE Team, or both, before making the decision to withdraw them from school. See 4.3 and 6.4 above.

7.3 It would be unrealistic for the LA make a judgement about the suitability of home education provision only a few days after it is started. However, families should be aiming to offer satisfactory home education from the outset, and to have made preparations with that aim in view, as time lost in educating a child is difficult to recover. (6.2)

7.4 When conducting visits, the Local Authority officer would wish to see the child or young person and discuss the plan for their educational provision

7.5 There should be no significant period in which a child is not receiving suitable education, other than reasonable holiday periods at appropriate points.

7.6 From time to time there may be changes of circumstances for the family and the named LA officer is available if parents have any questions or wish to discuss any educational matters.

7.7 Information provided by parents should demonstrate that the education being provided is suitable and should address issues such as progression, both expected and achieved. This means information should not be simply a statement of intent about what will be provided, or a description of the pedagogical approach taken.

## **8 Forming a View as to the Suitability of Education**

8.1 Where parents have indicated their wish to home educate, we will make enquiries to form a view that that the child is in receipt of suitable education.

8.2 In the case of children other than those registered at a Special School, we will contact the parents once the Local Authority has been informed that the child has been removed from roll.

8.3 The EHE team members will initially:

- Write to acknowledge and confirm parents' decisions to home educate and provide contacts and guidance documentation
- Offer a home visit, a virtual visit, or a meeting at another venue by telephone, letter, or email.

- Request an outline of educational arrangements in place via letter, telephone, or email

8.4 The aim of initial contacts and meetings is to build a positive and constructive relationship with parents, to ensure that EHE is a positive choice and that the educational needs of their child are being met.

EHE Team officers will wish to see the child as well as the parent so that their views can be gathered and contribute to the assessment of suitability.

8.5 Parents are not obliged to respond to LA enquiries, to accept a visit or to allow LA officers to meet with their child. However, as stated in the DFE Guidance 'you should consider carefully the reasons for not doing so, what is in the best interest of your child, and what is the most sensible approach. If you do not do enough to satisfy the Local Authority about the education being provided at home, it may have no option but to conclude that the education does not meet the s.7 requirement'.

8.6 In our consideration of parents' provision of education at home, we will typically be looking for information demonstrating the following:

- Consistent involvement of parents or other significant carers in learning.
- Opportunities to develop English (reading, writing, speaking, and listening) and maths skills.
- Recognition of the child's needs, attitudes, and aspirations.
- Opportunities for the child to be stimulated by their learning experiences.
- Access to appropriate resources and materials.
- Opportunities to partake in physical activity.
- Opportunities to develop ICT skills.
- Opportunities for appropriate interaction with other children and adults.
- The existence of a means of recording and assessing progress and difficulties/gaps in learning.
- Provision which allows for later access to further/higher education.
- Opportunities to develop skills for life as a member of the community they are part of.
- In the event of parents continually missing arranged meetings or failing to engage with us, we will be unable to confirm the suitability of the education provision and would be obliged to undertake further enquiries.

8.7 Information could be based on discussion of parent's plans, a written report, telephone conversations, the child's views, samples of the child's work, information about educational settings attended and tuition sessions, a home visit, or a meeting at another venue.

8.8 Following agreement that EHE is suitable, an LA officer will maintain contact with the family on a regular basis. This will usually be annually but could vary by agreement

8.9 It would be helpful if parents contact their named officer if circumstances change e.g., if they change address or if their child starts at a school.

## **9 The Local Authority's Arrangements – Where EHE is or appears to be unsuitable**

9.1 Under s.437(1) of the Education Act 1996, local authorities must act if it appears that parents are not providing a suitable education. This section states that:

*"If it appears to a Local Authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education."*

9.2 Officers with responsibility for home education in such circumstances will ask parents for detailed information about the education they are providing.

9.3 Parents will have the opportunity to address the identified concerns and report back to the LA within 20 working days, or other agreed time frame, of the LA's letter. This timescale is to minimise the amount of time a child is not in education.

9.4 Parents are under no duty to respond to such enquiries, but if a parent does not respond, or responds without providing any information about the child's education, then the LA will normally conclude that the child does not appear to be receiving suitable education.

9.5 A refusal by parents to provide any information in response to informal enquiries will in most cases mean that the authority has a duty to serve a notice under s.437 (1) If;

*(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the Local Authority, within the period specified in the notice, that the child is receiving suitable education, **and***

*(b) in the opinion of the authority it is expedient that the child should attend school, the authority shall serve on the parent an order (referred to in this Act as a "school attendance order"), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order."*

9.6 If the school in question is an academy, the authority will seek its agreement to that school being named in the order. If an academy is then named in an order which is made, and the academy does not agree with this, a direction may be sought from the Secretary of State.

9.7 Where it is not yet clear as to whether home education is suitable (including situations where there is no information available at all), the LA will initially attempt to resolve those doubts through informal contact and enquiries.

9.8 Parents will receive written notification if the LA considers that suitable education is not being provided, specifying the grounds for concern and any reasons for concluding that provision is unsuitable.

9.9 The LA will remove the child's details from the EHE register and place them onto the Child Missing Education (CME) register within the LA's database. The LA will then identify suitable education provision

The LA will identify suitable provision for the child through their Children Missing Education (CME) procedures either through schools' admissions or SEND processes. The expectation is that they will return to their former school, either through the In-Year Access Protocol (IYFAP) or through the statutory Education, Health & Care Plan (EHCP) arrangements.

9.10 Following the attendance regulations, if the parent fails to register the child at the school which has been offered, they may receive formal notice that a school attendance order will be served. This step will only be taken if all reasonable steps have been taken to resolve the situation.

## **10 Support**

10.1 The Local Authority has a named senior officer with responsibility for elective home education policy and procedures

10.2 Information is made available to parents who are considering home educating their children and to parents who already do this through the Sefton Council Website, local parental guidance, parental guidance provided by the DFE and through support visits and contacts by named officers, whose role is to offer advice and support and build positive relationships with the families and communities who home educate.

10.3 Opportunities are provided for parents to network with other EHE families at a marketplace event held annually where a range of council services are available to provide additional support or advice

10.4 An exam centre is available at IMPACT's Daleacre Campus where home educated children can register to take public examinations as external candidates.

10.5 In line with the legislation around Raising the Participation Age (RPA) information will be provided for parents and children of Year 11 age advising them of their options and responsibilities for post 16 education provision. This advice is provided by the Career Connect Service.

10.6 Support is also provided through access to Virtual Learning and online curriculum content

10.7 Health advice, information including support with immunisations is available to home educating parents and is provided through the 0-19 Enhanced Team

## **11 Safeguarding Responsibilities**

**Also refer to Safeguarding procedures as outlined on Sefton Intranet**

**[www.seftonlscb.co.uk](http://www.seftonlscb.co.uk)**

11.1 The LA has a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. The Local Authority aims to work proactively with all agencies and individuals to ensure that this happens.

11.2 It is the responsibility of all agencies and Local Authority teams to report to the named senior officer if they have any concerns about the safety and welfare of a child who is being home educated.

11.3 Where a child is subject to a Child Protection Plan and the harm is directly attributable to the parents' care, then there will be automatic refusal of Elective Home Education.

11.4 Local Authorities have the same safeguarding responsibilities for children educated at home as for other children. If any Child Protection concerns come to light during engagement with children and families, these concerns will immediately be referred to the appropriate services using established protocols.

11.5 The EHE Team officer may make enquiries, including from Social Care, the Health Authorities and any previous school/Early Years provision, to ensure that there are no concerns about the child's welfare or safeguarding that may impact on the provision of a suitable education.

11.6 In the event of any concerns, in line with local safeguarding procedures, LA officers will discuss them with parents (provided that this does not pose an increased risk to the child) and signpost/link the family into sources of support, including Early Help.

11.7 If the concerns appear to present an immediate and serious risk of harm to the child, LA officers will discuss with the MASH Team, which may lead to an assessment by Social Care.

11.8 LA officers do not have an automatic right to access the home to discuss home education. However, under the safeguarding duties held by the LA it is helpful if the EHE Team officer is able to talk with both the parent and the child and ideally see the home, as this is usually the main venue where education is taking place.

11.9 EHE may not be considered suitable if this is refused and if there is any reasonable cause for concern. This includes 'Parents are inappropriately or intermittently engaged with their child's education and lack awareness of their responsibilities' as one of the

criteria.

11.10 In most cases if a child is on either a Child Protection (CP) or Child in Need (CiN) Plan, the LA would not expect home education to be suitable. However, both the child's and the parent's views will be considered, and advice sought from Social Care before any decision is made.

11.11 The LA can insist on seeing children to enquire about their welfare where there are grounds for concern.

11.12 The LA must take action to enable cases of suspected or identified abuse to be properly considered or pursued. Child abuse can include physical injury, neglect, including emotional neglect, continued ill-treatment, and sexual abuse. If there is a reasonable cause for concern regarding a child's welfare, a referral should be made to the MASH team (Multi-Agency Safeguarding Hub)

11.13 It cannot be discounted that a parent might choose to educate their child at home in order to confine them to the home and prevent disclosure about abuse.

11.14 Parents/carers may wish to employ others to educate their child at home. Parents would, therefore, be responsible for ensuring that those they engage are suitable to have access to children. References should be taken, and parents / carers need to ensure that they have undertaken checks with the Disclosure and Barring Service (DBS).

The visit from the named officer will help to identify that the home is a safe and secure place for home-education and that the child is not at risk.

## **12 Children with Special Educational Needs (SEN) without an Education, Health & Care (EHC) Plan**

12.1 Sefton Council respects the view that the parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has a an Education, Health and Care Plan (EHC plan), or not

12.2 Under Sections 7 and 19 of the Education Act 1996, parents have the right to educate their children, including children with SEN, at home. Home education must be suitable for the child's age, ability, aptitude, and SEN.

12.3 Parents seeking to home educate children registered at a special school, however, must obtain the consent of the Local Authority to withdraw their child from the school (Education (Pupil Registration) Regulation 9(2), 1995).

12.4 In these instances, a review of the Education Health Care Plan will be convened to address the request and a decision will be made as to whether the request to electively home educate can be met.

12.5 This regulation ensures the Local Authorities can maintain continuity in their responsibility for children with special educational needs. The regulations, however, are not intended to be a hindrance to these children being educated at home.

12.6 For pupils in receipt of an education health care plan, not attending specialist provision, a review of the education health care plan will also be convened to discuss the arrangements and provision required and to outline how the pupil's outcomes will continue to be met.

12.7 If a young person beginning home education has an Education, Health and Care Plan, the LA's statutory duty to undertake an annual review continues. This ensures compliance with the SEND Code of Practice 0 – 25 Years (Department for Education July 2014).

12.8 This review includes assessing whether the Education Health, and Care Plan is still appropriate, and it may be possible to alter or even cease to maintain the plan depending on the child's circumstances and the provision being made.

12.9 Should it be necessary for the Education, Health, and Care Plan to remain in force, the parents continue to have responsibility for the education provided; however, the LA has a legal duty to ensure that the child's needs are met.

12.10 Information about the right to request an Education and Health Care (EHC) needs assessment and the right to appeal is available to all parents on request.

12.11 Parents have the right to request an EHC needs assessments but should be aware that the LA does not have a duty to agree to all requests. The right to appeal is available to all parents, including those who feel that the SEN support being provided by the school is insufficient to meet the child's needs. There is more information on Sefton's Local Offer Website.

12.12 LAs do not have a duty under Section 22 of the Children & Families Act 2014 to assess every home educated child to identify whether or not they have special educational needs.

### **13 Review Arrangement for Children with Special Educational Needs (SEN) with a an Education, Health and Care (EHC) Plan**

13.1 If the child is on the roll of a special school the child's name may not be removed from the school register without the LA's consent.

13.2 It remains the duty of the Local Authority to ensure the child's special educational needs are met. Under SEND arrangements, and in line with the Department for Education guidance, the LA will carry out a transfer review for any child who currently has an Education Health and Care Plan and who is home educated.

13.3 In cases where the LA and parents agree that home education is suitable for a child with an Education, Health and Care Plan, the LA will review the plan and consider if it is appropriate to maintain, amend or withdraw. The child and parents will be involved in this process and the plan will be amended to reflect parental choice.

13.4 In cases where the EHC Plan is maintained, the LA will review it annually to assure itself that the provision set out in it continues to be appropriate and the child's special educational needs continue to be met. The LA may name the type of school that would be suitable for the child, but state that the parents have made their own arrangements under Section 7 of the Education Act 1996.

13.5 Parents will be invited to the Review by the LA SEN officer, together with representatives from any other agencies that the Local Authority deems appropriate e.g., Health, Social Care and the LA SEN representative. Parents will be notified in writing of the decision within 20 working days of the meeting and of their right to appeal.

13.6 The LA will not assume that because the provision being made by parents is different from that which was being made or would have been made in school, that the provision is necessarily unsuitable. However, in some cases, the LA may conclude that elective home education does not meet the child's SEN. The processes in Section 7 above will then be followed.

#### **14 Children moving to another Local Authority area**

14.1 The EHE Co-ordinator will advise other LA's when they become aware that an EHE child has moved to another authority. If a child goes missing, Children Missing Education procedures will be followed.

#### **15 Looked After Children (LAC)**

15.1 In most cases, if a child is looked after, the LA would not expect the child to continue to be home educated. Advice will be sought from Social Care and from the Virtual Head for LAC.

#### **16 Private Fostering**

16.1 If a child is under 16 (under 18 if they are disabled) and they go to live with someone who's not a close relative or legal guardian for 28 days or more, it counts as 'private fostering'. The adults concerned must notify Children's Services, who will visit to ensure that the care arrangements are suitable for the child and whether the child needs any additional support. For advice, information and how to find out about possible support, call: 0151 934 3596/2533.

16.2 Foster parents should follow the same processes as other parents and will need

to consider carefully whether EHE is in the best interests of the child they are caring for, especially if it is unclear how long the arrangement will last for.

## **16 Retention of Information**

16.1 The Elective Home Education Officers will keep your details for the duration of your child's statutory schooling; or until you request that you no longer wish to remain registered with the Local Authority as EHE, for which your details will be deleted after 3 years from the date of your de-registration request. For more detail on how we hold your information, please refer to the Privacy Notice below in section 16.

## **17. Complaints procedure**

17.1 If parents or carers wish to express dissatisfaction with any aspect of our procedure or processes for Elective Home Education, they should firstly attempt to resolve the matter informally with officers. However, if this proves unsuccessful, parents and carers can make a complaint.

Sefton's guide, "How to Make a Complaint to Sefton Council" can be accessed using the link below.

[https://www.sefton.gov.uk/media/1495762/complaints\\_easy\\_read.pdf](https://www.sefton.gov.uk/media/1495762/complaints_easy_read.pdf)

or by telephoning 0345 140 0845

## **18. For further information please contact:**

John Baden  
Co-ordinator; Complementary Education Service,  
Pinfield Centre,  
Gores Lane,  
Formby,  
Liverpool. L37 3NY.  
Tel: 01704 395945  
e-mail: [john.baden@sefton.gov.uk](mailto:john.baden@sefton.gov.uk)

or:

Rachael Clague, Elective Home Education Co-ordinator,  
Pinfield Centre,  
Gores Lane,  
Formby,  
Liverpool. L37 3NY  
Tel: 01704 395945  
e-mail: [rachael.clague@sefton.gov.uk](mailto:rachael.clague@sefton.gov.uk)

## **19. Privacy Notice for Elective Home Education**

### **19.1 Purpose for processing your information**

The responsibility for oversight and support for Elective Home Education Officers rests within the Complementary Education Service and the multi-agency Monitoring and Placement Group.

Local Authorities (LA) have a legal obligation (s437 Education Act 1996) to ensure that all children who are of statutory school age who reside in the area are in receipt of a 'suitable education'.

19.2 Any/all parents have a legal right to educate their children 'otherwise' than at school, commonly referred to as 'elective home education' (EHE).

19.3 The Council has in place its own EHE policy and procedures, with due regard to legislation and guidance in order that it can meet its statutory duty. This duty applies in relation to children of compulsory school age who are not on a school roll and when the LA does not know if a child is receiving a suitable education otherwise than being at school. The parents/carers of all children identified as such will receive a letter from the LA, outlining the LAs procedures in relation to EHE.

## **20. Collection of information**

20.1 In the course of supporting and monitoring elective home education we collect the following information,

In order to carry out registration and monitoring, we process personal information in relating to parent/carers and children:

- Personal contact details such as name, title, addresses, contact numbers, and personal email addresses.
- Personal demographics (including date of birth, gender, and ethnicity)
- Education information including any Special Educational Needs and Disability (SEND) and previous or current school information.
- Involvement with statutory services such as Social Care, Early Help, MASH, Schools Admissions, In Year Fair Access, Data Team, Housing, Alternative Education Providers, SEND, and Youth Justice Service.
- Involvement with the Police and/or probation.

20.2 This information is only used for the intended purpose but if we intend to use it for any other purpose; we will normally ask you first. In some cases, the Council may use your information for another purpose if it has a legal duty to do so, to provide a complete service to you, to prevent and detect fraud, or if there is a risk of serious harm or threat to life.

## **21. How we collect your information**

21.1 The initial EHE notification may be a formal written notification either from the parent/carer directly or from the current/ previous school. The LA may be notified via other internal or external means that a child is not on roll of a school. On receipt of notification a registration form is sent to the parent/carer.

## **22. Who the information may be shared with**

22.1 The Elective Home Education officers may use your information for other legitimate purposes and may share (where necessary) with other Council departments and external bodies responsible for administering services to children and young people.

## **23. Reasons for sharing information with the internal and external bodies**

23.1 Registering and monitoring the child for elective home education, to fulfil the council's safeguarding duty and comply with the Prevent Strategy, and to provide Central Government bodies with mandatory data returns.

23.2 The Home Office to notify of potential illegal immigration and the Police may request information at any time as part of a criminal investigation.

23.3 Internal bodies are:

the Schools' Admissions Team, Child Licensing Officers, the SEND (Special Educational Needs & Disabilities) team, the Virtual School, the Data Team, the Early Help Service, the MASH Team (Multi-Agency Safeguarding Hub), Safeguarding Officers, the Early Years' Service, Governance and Legal Services.

23.4 External bodies are:

schools/academies (previous current and applied for, including Independent/Boarding); other Councils/boroughs and the Police. NHS Service, Central Government bodies comprising of the Department for Education, the Local Government Ombudsmen and the Office of the School Adjudicator; the Home Office and the Department of Work and Pensions.

23.5 To validate proof of address, the Elective Home Education Officers will refer to the CME team.

## **24. How long do we keep your information?**

24.1 The Elective Home Education Officers will keep your details for the duration of your child's statutory schooling. If you no longer wish to remain registered with the LA as EHE, the details will be transferred to the child's next educational setting.

## **25. Your rights and access to your information**

25.1 You have the right to request a copy of the information that we hold about you.

25.2 The new General Data Protection Regulation also gives you additional rights about the information we hold about you and how we use it, including the right to:

- Withdraw consent and the right to object and restrict further processing of your data, however, this may affect service delivery to you.
- Request to have your data deleted where there is no compelling reason for its continued processing and if there are no legitimate grounds for retaining it.
- Request your data to be rectified if it is inaccurate or incomplete
- Have your data transferred or copied should you move to another authority
- Not be subject to automated decision-making including profiling