

## **Elective Home Education Policy 2025**

This document outlines the updated policy and procedures developed in accordance with the most recent guidance from the Department for Education (DfE), published in April 2019: 'Elective home education: Departmental guidance for local authorities,' and 'Elective home education: Departmental Guidance for parents' Guidelines for Parents'

### **Elective home education**

The legal responsibility for a children's education rests with their parents. In England, education is compulsory but going to school is not. 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 - (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." Elective home education falls into the 'otherwise' category as outlined in Section 7. The term "elective home education" is used by the DfE to describe a parent's decision to take full responsibility for providing their child's education at home instead of sending them to school. This only applies to those of compulsory school age and is different from home tutoring and other provisions provided by a school or the Local Authority (LA).

Parents who elect to home educate take full responsibility for their child's education, including all financial costs such as public examinations, courses, resources and tutoring. If parents wish to employ other people to educate their child, at home, online or in other settings, they are responsible for ascertaining the suitability of those tutors, in terms of access to children. Parents should satisfy themselves by taking up appropriate references and ensuring that the tutor has a reasonably recent Disclosure and Barring Service (DBS) disclosure certificate.

Elective home education should not reduce options in later life, and it should support young people to be able to participate fully in life and equip them to live independently as adults.

Parents are not required to inform or seek approval from Herefordshire Council when they intend to elect or have elected to home educate. However, there are two exceptions to this:-

- Where a child is attending a special school under arrangements made by the local authority on the child's Education Health and Care Plan, Herefordshire's Councils consent is required to remove the child's name from the school's admissions register. Consent will be based on reasonable enquiries the SEN Team performs with parents and the school to understand what education will be provided at home.
- Where the child is subject to a School Attendance Order (SAO), the SAO should be revoked by the Local Authority before elective home education begins.

### **Responsibilities of schools in Herefordshire regarding elective home education**

Parents decide to home educate for several reasons. These reasons are recorded using the DfE criteria.

Parents whose child is enrolled at a school are advised to write to the headteacher to inform them that they are electing to home educate; in Herefordshire, we ask that this written notification is signed by the parent and clearly indicates that they are choosing to home educate. The school will then immediately pass this information on to Herefordshire Council using the online notification form: [Elective home education \(EHE\) - School information form](#). This allows the elective home education team the opportunity to check any risk factors for the child and if they are known to wider services. The school must retain the child's file. Parents can request a copy of their child's file to assist them in planning their child's education.

Parents may consider home education because of a dispute with their child's school. In those situations, Herefordshire Council expects the school to take all necessary steps to resolve the issue. Schools are asked to signpost the parent to the elective home education team for further advice and guidance to enable parents to make an informed choice.

The DfE guidelines are clear that: "Schools should 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 record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them." DfE – Elective home education - Departmental Guidance for Local Authorities 2019

Herefordshire Council will contact electively home educating parents who remove their child from a school roll to ensure that they understand why the decision to home educate was made and to confirm that parents know what their responsibilities will be when home educating. It may be that after this conversation parents reassess their decision. In Herefordshire, schools have agreed to provide a 'cooling off' period of 10 school days before deletion of the name from the school register. This time allows the parents to reflect on their decision and to seek further advice and support and to change their mind if they so wish and return to school.

When a school receives formal, written notice from a parent, that a child is being withdrawn from school in order to be home-educated and the child has ceased to attend the school, the Headteacher should ensure that the pupil's name is removed from the admissions register in accordance with Regulation 9(1)(f) of the School Attendance (Pupil Registration) (England) Regulations 2024. Regulation 13(4) of the School Attendance (Pupil Registration) (England) Regulations 2024 states that "the 'proprietor' (Headteacher) of the school must, make a return to the Local Authority for every such pupil giving the full name of the pupil, the address of any parent with whom the pupil normally resides and the grounds upon which their name is to be deleted from the admission register as soon as the ground for deletion is met in relation to that pupil, and in any event no later than deleting the pupil's name from the register".

For parents who are estranged from each other and the parent the child is living with informs the school that they wish to electively home educate their child, schools must still comply with The School Attendance (Pupil Registration) (England) Regulations 2024 when they receive a request to remove a child from the school register. There is no statutory obligation on a school to notify one parent if the other decides to remove their child – that responsibility rests solely with the separated parents. Nonetheless, the child's welfare is paramount, so, if a school is aware that parents are separated and one parent decides to remove their child, staff may wish to ask that parent if the other has been informed and has agreed to this.

Although elective home education is not in itself a safeguarding concern, if the school has any concerns that a child being removed from their roll to be electively home educated might place the child at risk of harm, they must follow their Child Protection Policy.

Parents whose child is not enrolled at a school have no obligation to inform Herefordshire that they are home educating their child. However, Herefordshire Council encourages contact with all home educating families and may make enquiries with the parents if we are aware that they may be home educating. This information could have come from other professionals such as health visitors, social workers, health care providers or members of the community.

### **Children with special needs**

Parents' right to educate their child at home applies equally, where a child has special educational needs (SEN). This right is irrespective of whether the child has an Education, Health, and Care Plan (EHCP).

Where parents elect to home educate a child with an EHCP who is registered at a mainstream school, the school will remove the pupil from roll, following receipt of written confirmation from parent that educational provision is being made otherwise than at school. LA approval is not required regardless of whether the child has an EHCP.

Where a child who is home educated has an EHCP, the LA retains a duty to maintain and review it annually, following the procedures set out in the Code of Practice for SEN. Parents should always be involved in the review process. Parents do not have to arrange provision detailed in the EHCP but do have a duty to provide an education suitable to their child's age, ability, and any special educational needs.

### **Herefordshire Council's responsibilities**

Herefordshire Council has oversight of the provision of a suitable education and is required to establish the identity of all children of compulsory school age who are not receiving a suitable and effective education [under Section 436A of the Education Act 1996].

To achieve this in Herefordshire, the Council maintains a record of all children who are home educated and encourages all parents who electively home educate to inform the Council of all the children they educate.

Herefordshire Council sees its role in relation to elective home education as part of its wider responsibilities for the welfare and safeguarding of all the children in the local area.

To retain up-to-date information about the suitability of education, Herefordshire Council makes informal contact and enquiries with all parents who electively home educate requesting information about the current learning programme and progress of children.

Herefordshire Council is required to undertake formal, statutory action if sufficient evidence of the suitability of education cannot be established [s437 of the Education Act 1996].

To maintain an accurate record of all children of compulsory school age who are not on a school roll Herefordshire Council will make use of its statutory powers and partnership agreements, for example with the NHS to share information about children and young people who are not on the roll of a school.

To satisfy itself that parents are meeting their duty, Herefordshire Council maintains a database of all children known to be home educated, which is held under Article 6(e) of the GDPR (Public Task Basis). Data Protection Act 2018 and General Data Protection Regulations (GDPR).

### **Monitoring and oversight of home education**

Herefordshire Council will contact parents/ carers at least annually requesting they provide examples of the learning activity that has taken place to be able to evidence the progress their child is making. This contact could be by an arranged home visit by one of Herefordshire Council's elective home education team or a request for a written report.

Parents may welcome the opportunity to discuss the provision that they are making for the child's education during a home visit, but parents are not legally required to give officers from the local authority access to their home.

Parents may choose to meet an officer at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. Where a parent elects not to allow access to their home or their child, this will not of itself constitute a ground for concern about the education provision being made. Where the local authority cannot visit the home, officers should be able to discuss and evaluate the educational provision by alternative means.

If parents choose to meet an officer, they will be asked to provide evidence that they are providing a suitable education. Following a meeting or visit parents will receive a written report.

If parents choose not to meet an officer the local authority will ask for information, parents are under no duty to comply although it would be sensible for them to do so, given that the local authority must be satisfied of suitable education. Following any review of the home education provision, parents will receive a written notification from the local authority.

### **Parents responsibilities**

Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child. There is currently no legal definition of "full-time". Children normally attend school for between 22 and 25 hours a week for 38 weeks of the year, but this measurement of "contact time" is not relevant to elective home education where there is often almost continuous one-to-one contact and education may take place outside normal "school hours."

We recognise that there are many, equally valid, approaches to an educational provision. We will, therefore, consider a wide range of information from home educating parents, in a range of formats. The information may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.

The type of educational activity can be varied and flexible. There are no legal requirements for parents educating a child at home to do any of the following:

- acquire specific qualifications for the task
- have premises equipped to any particular standard
- aim for the child to acquire any specific qualifications
- teach the National Curriculum
- provide a 'broad and balanced' curriculum
- make detailed lesson plans in advance
- give formal lessons
- mark work done by the child

- formally assess progress, or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards

However, many home-educating families do some of these, at least, by choice.

The question of whether an education for a specific child is full-time will depend on the facts of each case; but parents should at least be able to quantify and demonstrate the amount of time for which your child is being educated. Education which clearly is not occupying a significant proportion of a child's life (making allowance for holiday periods) will probably not meet the s.7 requirement.

There is no definition of 'suitable' education in statute law, although it must be suitable to the age, ability and aptitudes of the child, and any special educational needs. This means that it must be age-appropriate, enable the child to make progress according to his or her level of ability, and should take account of any specific aptitudes (for example if a child is very good at mathematics, it might focus more on that than some other subjects).

As part of the local vision for education for all children and Herefordshire Council's oversight of suitable education, all children, including those being home educated, are expected to make sufficient progress in both literacy and numeracy and attain outcomes appropriate to their ability.

The education provided by parents should aim at enabling the child, when grown-up, to function as an independent citizen in the UK – and furthermore, beyond the community in which he or she was brought up, if that is the choice made in later life by the child.

The home environment is expected to be compatible with providing suitable education. It should not be too noisy or cramped, nor should there be problems with defects that could leave the child at risk of harm.

Education at home should not directly conflict with the Fundamental British Values as defined in government guidance ([link at end of document](#)), although there is no requirement to teach these.

Excessive isolation may raise concerns about social development and should be considered when planning provision as education could be deemed unsuitable if it leads to excessive isolation from the child's peers and thus impede social development.

The local authority needs to be satisfied that appropriate education is taking place and therefore it will be about building a full picture of the individual circumstances.

### **When we consider an education is not suitable?**

If we consider that a suitable education is not being provided, then we will write to parents informing them of this and give them appropriate time to remedy this.

There may be a variety of reasons why the information / evidence provided has not been deemed suitable by the local authority. This may include:

- The education provision described lacks detail, and it is difficult to ascertain what is being taught / what subjects are being studied.
- There is no or very limited examples of work submitted.
- There is no or very limited information regarding resources used internally and externally.
- There is no or very limited detail of how the child's progress is being monitored or examples of work to demonstrate relevant progression.

- There is no clear academic or time structure.

It is important to note that the above is for guidance and by way of example only and is not an exhaustive list. Each case is judged upon its own individual circumstances.

The types of information and evidence might include: a timetable; a curriculum plan; photographs; workbooks; progress reports; dated work over time; conversations with the child / parent; home visits; etc. We provide Appendix A as helpful information about evidence for parents. It is important to note that the local authority needs to be satisfied about the education provision, and this will be about building a full picture of the individual circumstances rather than rigid adherence to a checklist.

If we are not satisfied that a suitable education is being provided, and the parents, having been given a reasonable opportunity to address the identified concerns, we will consider sending a formal notice to the parents under section 437 before moving on, if needed, to issue a school attendance order (section 437(1)). Reasonable steps to resolve the situation will be taken by Herefordshire Council before the SAO statutory process is commenced.

Herefordshire council is fully committed to the DfE's stance: 'The department believes that although the primary responsibility for ensuring that children are properly educated belongs to parents, a local authority has a moral and social obligation to ensure that a child is safe and being suitably educated. If it is not clear that that is the case, the authority should act to remedy the position'.

### **Elective home education and safeguarding**

The welfare and protection of all children, both those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community. Section 175 of the Education Act 2002 imposes a duty on Herefordshire Council to make arrangements for ensuring that the functions conferred on them are exercised with a view to safeguarding and promoting the welfare of all children resident in Herefordshire.

All elective home education officers' work will adhere to the principles laid out in Keeping Children Safe in Education (KCSIE) – Statutory guidance published by the DfE which sets out the legal duties of all staff to safeguard and promote the welfare of children and young people under the age of 18 in education. The elective home education team will always follow Herefordshire's Safeguarding Children Partnership safeguarding procedures and work with relevant agencies and individuals to proactively safeguard and promote the welfare of children and, in the event of any concerns about the welfare of an electively home educated child, initiate and follow established procedures.

This may include the necessary sharing of information with GPs, Health Visitors and other Health professionals if this is in the interest of a child or young person.

Elective home education officers will discuss any safeguarding concerns with the team Designated Safeguarding Lead (DSL) and contact the Multi Agency Safeguarding Hub (MASH) when there is uncertainty about the welfare of the child. Elective home education officers will explain the reasons for any welfare concerns to the parents in accordance with procedure unless this discussion would put the child at increased risk of harm. If that is the case, the officer will seek further guidance from social care.

The following non-exhaustive list represents the circumstances under which Herefordshire Council may, at any time, contact parents to enquire about their child's education provision.

- On notification that a safeguarding referral has been made.
- If the child becomes subject to child protection or child in need planning.
- Following a referral to Herefordshire Safeguarding Children Partnership about the education

provision in place.

- Following a referral from the Children Missing Education Team.
- If the young person becomes open to the Youth Offending Service.
- When it is believed that the child may be attending an illegal or unregistered setting

### **Support, guidance and resources provided by Herefordshire Council**

The elective home education team provides support in the form of:

- Publishing written information about elective home education that is clear, accurate and sets out the legal position, roles and responsibilities of both Herefordshire Council and parents.
- Discussing the implications of elective home education with parents before they make the decision to leave or enter the school system.
- Producing and distributing accurate written records of meetings with home educating parents and children.
- Promoting positive relationships with elective home education families based on mutual understanding, respect and trust to safeguard the educational interest of children.
- Seeking to mediate between schools and potential elective home education families when the relationship has broken down and parents feel obliged to withdraw their child.

Herefordshire Council recognises that parents of all educational, social, racial, religious and ethnic backgrounds can successfully educate children outside the school setting.

### **Post 16 Learners**

All young people in England are required to continue in education or training until at least their 18th birthday, although in practice most young people continue until the end of the academic year in which they turn 18.

The raised participation age (RPA) does not mean young people must stay in school; they can choose one of the following post-16 options:

- Full-time education, such as school, college or home education.
- an apprenticeship
- part-time education or training if they are employed, self-employed or volunteering full-time (which is defined as 20 hours or more per week).

In the academic year of a young person's 16th birthday, parents / carers will receive contact from the elective home education team before their details are removed from the elective home education list. The survey will be reviewing families plans for post 16. Herefordshire Council have a duty to identify children who are NEET, and to offer support for them to be able to access Employment, Education or Training.



## **Relevant documents and guidance**

Elective home education guidance for local authorities, DfE Guidance, [Elective home education: departmental guidance for local authorities](#)

Elective home education guidance for parents, DfE Guidance, [Elective home education: guide for parents](#)

Keeping Children Safe in Education: Keeping children safe in education, [Keeping children safe in education - GOV.UK](#)

Special Educational Needs Code of Practice 2014, [SEND Code of Practice January 2015.pdf](#)

Children Missing Education: DfE guidance, [Children missing education - GOV.UK](#)

School attendance: DfE guidance for schools School Attendance DfE Guidance, [Working together to improve school attendance - GOV.UK](#)

Education Act 1996: Education Act 1996 Pupil Registration Regulations, [Education Act 1996](#)

The School Attendance (Pupil Registration) (England) Regulations 2024, [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#)



## Appendix A

Activities that might show a satisfactory and appropriate education:

- Evidence of educational goals for the child and how these will be achieved
- Independent research
- Maths and English activities
- Using websites for learning
- Activities showing the progress achieved and feedback given to the child
- Activities which show preparation for everyday living (this could include growing and preparing food, animal care and handling money, using directions, accessing computers, understanding government and law)
- Developing social relationships
- Developing a knowledge of other subjects and topics
- Cultural activities, such as visiting theatres, museums, and art galleries
- Physical activities
- Information about certificates, courses, or exams a child is working towards
- Outdoor learning
- Thematic topic work
- Practical projects, e.g. designing and building a new pond.

Evidence of the above could include:

- A list of resources used (books and online)
- Evidence of independent research
- Workbooks
- Pieces of completed work
- Flowcharts or spider diagrams demonstrating a child's learning of a topic
- Completed worksheets
- Screengrabs of work completed online
- Marked work giving feedback to the child
- Photographs of work and practical experiences
- Reflective diaries and logs recording what the child has learned
- Printouts of independent research
- PowerPoints
- Feedback or reports from tutors, online schools, or other providers
- A discussion with a child on topics, subjects, or achievements
- Evidence of social opportunities (for example attending clubs, sports, meetings, home education groups, or classes)
- A description of the progress achieved
- Scrapbooks of topics or interesting aspects of learning
- Evidence of the child's interest