

**DERBYSHIRE COUNTY COUNCIL**

# **ELECTIVE HOME EDUCATION POLICY**

**August 2023**

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## Introduction

This policy outlines parents' rights to educate their children at home and details the responsibilities and legal duties of parents, schools, and Derbyshire County Council in relation to Elective Home Education (EHE).

[Section 7 of the Education Act 1996](#) requires the parents of every child of compulsory school age to ensure that their child receives suitable full-time education. Most parents meet this duty by sending their children to school, but some families choose to provide an education within their home, as is their parental right. The Department for Education refers to this as Elective Home Education (EHE).

We understand that there are many reasons why a parent may choose EHE as a pathway for their child and aim to work with families and stakeholders by recognising rights, responsibilities, and roles of all parties. Named EHE Officers are in place to build and maintain positive relationships with young people and their families.

We aim to act in the best interests of children and young people to ensure they receive a suitable education. We aim to create an open culture of trust where children and families are listened to, their views and opinions are heard and valued, and where all children and young people are safe.

Families are encouraged to contact the EHE team if they are considering home education. Officers will be on hand to provide links to resources, organisations of interest and information about all aspects of home education. This is to enable families to make informed decisions in their child's best interests. We also welcome contact from current home educators. Whether you have queries about your child's education, or perhaps are thinking of returning your child to school, you are welcome to engage with the team.

If home educating families wish to share resources or information about groups they are involved with, please contact the team who will really appreciate your input.

Contact details for the EHE team: [CS.EHE@derbyshire.gov.uk](mailto:CS.EHE@derbyshire.gov.uk) or [01629 533720](tel:01629 533720).

Further information is available on the council website and Local Offer:

- [Derbyshire County Council – Elective Home Education](#)
- [Derbyshire Local Offer – Elective Home Education \(EHE\)](#)

## Derbyshire County Council's role and duties

The role of the EHE team is to give support and information for parents who are considering or already providing home education. Our role in relation to EHE is part of the Council's wider responsibilities, including safeguarding, for all children living in its area. As such, the Local Authority will keep and maintain an up to date register of children who are home educated, establishing annual contact with families.

The Council has a duty under section 436A of the Education Act 1996 to establish the identities of compulsory school aged children in our area who are not registered at a school and are not receiving

suitable education otherwise than at school. The EHE team responds promptly to any concerns raised about children who may not be in receipt of suitable education. The primary aim is to find out how the child is being educated and to ensure they are receiving an efficient full-time education suitable to their age, ability, and aptitude and to any special educational needs they may have.

If a child is not attending school full time, the law does not assume that child is not being suitably educated. It requires the Council to enquire what education is being provided. Where it is not clear as to whether home education is suitable (including situations where there is no information at all) the Council will initially attempt to resolve these doubts through informal contact and enquiries. 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 it will normally be justifiable for the Council to conclude that the child does not appear to be receiving suitable education and it will need to take further steps. This follows the judgment of *Phillips v Brown* [1980] and subsequent guidance from the Department for Education (DfE).

If through informal contact the Council cannot be satisfied that the child is receiving a suitable education the Council can serve a notice in writing on the parents under section 437 of the Education Act 1996 requiring them to satisfy within a period specified in the notice that the child is receiving a suitable education. If the period under the notice elapses and the Council is not satisfied that the child is receiving a suitable education and it would be expedient for the child to attend school, then the Council can serve a School Attendance Order. Failure to comply with a School Attendance Order can result in prosecution and/or an application for an Education Supervision Order.

Where parents decide not to continue with EHE, or the child is not receiving an efficient full-time education children should be returned to within a school or an alternative provision as soon as possible. If parents need support to make an admissions application, we can help with that. The Council's School Admissions team will also provide information and support and parents may also be given information about other agencies or services who may be able to support them.

We collect and monitor data to oversee EHE in Derbyshire to deliver appropriate interventions, support families and educational settings, and support and challenge schools where appropriate. This is in accordance with Derbyshire County Council's Childrens Services Privacy Notice which can be found by using [Derbyshire County Council – Childrens Services Privacy Notices](#)

The Council also liaises with schools and other partner agencies in accordance with the DfE Working Together to Safeguard Children (2018) statutory guidance. Where potential off rolling is a concern, we will make contact with the school to see how we can work together and if necessary, we will share concerns about the school with Ofsted and the Regional Director (RD), as outlined in Section 20 of the 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' DfE guidance (April 2019).

## **Safeguarding**

The Local Authority has responsibility for ensuring appropriate arrangements to safeguard and promote the welfare of children are in place for all children within the county, however they may be educated. Sections 10 and 11 of the Children Act 2004 give Local Authorities general duties for promoting the well-being and safeguarding of children in their areas. Additionally, section 175 of the Education Act 2002 requires authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare.

The Council can use its safeguarding powers if there are concerns that a child is suffering or is likely to suffer significant harm. 'Harm' can include the impairment of health or development, which means physical, intellectual, emotional, social, or behavioural development, so the provision of unsuitable education can amount to this. The causing of significant harm need not be intentional or deliberate, it must be 'considerable, noteworthy or important'. Whether the provision of unsuitable education does amount to significant harm must always depend on the particular circumstances of the child, and whether those circumstances mean that the child's intellectual and social development are being, or are likely to be, significantly impaired.

## Parents' duties

Under section 7 of the Education Act 1996 the parent of every child of compulsory school age is responsible for ensuring that their child receives an 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. In England, education is compulsory but school is not, so parents may lawfully choose to educate their child by EHE.. Many parents choose to join with other EHE families and use tutoring and other educational provision.

Where a parent is considering EHE, we understand this is an important decision and we would encourage parents to seek advice and support from the EHE team at the earliest opportunity and prior to finalising their decision.

Home education can be a rewarding experience for parents and children when it is a positive choice. EHE requires time, dedication, hard work and patience. Parents also need to be aware that they will be responsible for all costs including resources and examination fees.

## Schools and Elective Home Education

Where a parent is known to be considering home education, we advise schools to encourage parents to seek advice from the EHE team prior to deregistration from the school roll.

Schools must not seek to persuade families to home educate, nor should parents use EHE to solve perceived or continuing problems they may have with a school. Parents are advised to seek resolutions with educational settings prior to considering EHE.

'Off-rolling' is defined by the Department of Education (DfE) as 'the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily *in the interests of the school rather than in the best interests of the pupil*'. Where a school is thought to be off rolling, concerns will be shared with relevant bodies as previously described.

When a school receives written confirmation from a parent that they are removing the child from the school to EHE, the school must acknowledge in writing the receipt of the parents' written notification of their decision and delete the child's name from their admissions register. The school must inform us immediately of the removal of the child's name from the admissions register.

## **Children with an Education, Health and Care Plan (EHCP)**

The right to EHE applies equally where a child has a Special Educational Need (SEN) and disability.

Where a child with an EHCP is removed from school to EHE, the Council no longer has any statutory duty to secure provision specified in the plan or to provide any funding. An early annual review to discuss the child's needs or consider alternative placements is recommended before a final decision to EHE is made.

Parents must seek the consent of the Council to home educate if the child is on roll at a Special School on arrangements made by the Council. The request will be considered by the SEND Assessment Service.

There will be an annual review of an EHE child's EHCP every 12 months as outlined in the SEND Code of Practice. If there are concerns about provision not meeting the child's needs, EHE advisors will liaise with parents and the SEND Assessment Service.

## **Looked After Children**

If a child who is home educated becomes looked after, EHE will discontinue at the date of the Care Order. EHE officers, Social Care and Virtual School will cooperate to secure a school place or an alternative provision to meet the needs of the child as soon as possible.

## **Complaints Procedure**

Where there are concerns or queries about any aspect of the service, please do not hesitate to contact the EHE team. Our aim is to ensure that any concerns are dealt with quickly.

If you wish to make a formal complaint about the service, please contact [cs.feedback@derbyshire.gov.uk](mailto:cs.feedback@derbyshire.gov.uk). Your complaint will be forwarded to a senior officer to investigate and will be answered within the corporate complaints timeframe.

Find more information on: [Derbyshire County Council – Complaints and Procedures](#)

If you would like to compliment us on doing something well, please use the contact details as above.

## **EHE Team Contact details**

For enquiries relating to this policy, please contact the EHE team at [CS.EHE@Derbyshire.gov.uk](mailto:CS.EHE@Derbyshire.gov.uk). This policy has been produced in accordance with the [DfE Elective home education Departmental guidance for local authorities, 2019](#)

This policy will be reviewed annually.