



St Helens Borough Council Childrens and Young People Services

Elective Home Education Policy

1.0 INTRODUCTION

- 1.1 This policy aims to inform schools, parents, Local Authority staff and other regulated agencies across St Helens about the policy and procedures to be followed where parents/carers make the choice to educate their children otherwise than at school. This practice is known as Elective Home Education (EHE). The term “parent” is used throughout this policy to include all those with parental responsibility
- 1.2 The policy does not apply to children receiving alternative educational provision from the Local Authority because they are not attending school as a result of illness, exclusion or any other reason.
- 1.3 St Helens Council recognises that Elective Home Education is a parental right which requires significant commitment and 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. The DfE “Elective Home Education Guidelines for Local Authorities”, published in April 2019, emphasises the importance of Local Authorities building effective relationships with home educators that function to safeguard the educational interests of children and young people
- 1.4 Parents may choose to home educate for various reasons. The Local Authority’s primary interest does not lie in the reason for choosing home education, but in ensuring that all children, including those educated at home, are receiving an education which meets the legal requirements outlined in Section 2 of this document.
- 1.5 This document details the Local Authority’s policy and procedures with respect to the following:
 - the legal position regarding Elective Home Education
 - the rights and responsibilities of parents
 - the responsibilities of the Local Authority
 - the procedures which will be followed by the Local Authority when a family choose to home educate
 - EHE and special needs
 - EHE and safeguarding

2.0 THE LAW RELATING TO ELECTIVE HOME EDUCATION

- 2.1 The responsibility for a child’s education rests with their parents. Education is compulsory in England for children from the start of the term following the child’s 5th birthday until the last Friday in June of the academic year in which the child is 16; attendance at school is *not* compulsory
- 2.2 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 education needs he may have, either by regular attendance at school or otherwise.”
This legal duty is underpinned by the European Convention on Human Rights which 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 rights of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.”¹

¹ ECHR Protocol 2 Article 1

2.3 Section 9 of the Education Act 1996 states that:

“authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.”

2.5 The right of a parent to choose to home educate is therefore enshrined in law.

3.0 PARENTAL RIGHTS AND RESPONSIBILITIES

3.1 Whilst parents have a legal right to home educate their child they have a responsibility to ensure that the education is “efficient”, “full time”, “suitable to the age, ability and aptitude of the child”, and “suitable to any special educational needs”.

3.2 This definition gives parents considerable freedom in determining the scope of education provided and is not prescribed by the 1996 Education Act. Case law has however established some clarity about the interpretation of these words.

3.3 *“Efficient”*. Education is considered to be efficient if it *“achieves that which it sets out to achieve”*.

3.4 *“Suitable”*. A suitable education is one which *“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 years to adopt some other form of life if he chooses to do so”*²

3.5 There is no legal definition of what constitutes a *“full-time”* education, although children in schools spend 25 hours working each week for 38 weeks of the year. Measurement of “contact time” in this way is not relevant in the context of elective home education, where the child often has continuous one to one contact with the parent/educator and the types of educational activity which the child follows may be varied and flexible

3.6 There is no legal requirement for home educating parents to:

- teach the National Curriculum
- provide a broad and balanced education
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work done by the child
- formally assess progress or set development objectives
- reproduce school type peer group socialization
- match school, age-specific standards
- enter children for public examinations

² R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (1985)

3.7 When parents engage a third party (e.g. tutor) to deliver part of their child's education, they are responsible for ensuring that the person is appropriately qualified and suitable, including Disclosure and Barring Service (DBS) checks.

3.8 When parents elect to home educate, they assume full financial responsibility for their child's education, including the costs of private tuition, courses and public examinations

4.0 LOCAL AUTHORITY DUTIES RE: ELECTIVE HOME EDUCATION

4.1 The Local Authority has a duty under section 436A of the Education Act 1996³, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children of compulsory school age resident in St Helens who are not on a school roll and *are not* receiving a suitable education otherwise than being at school. The statutory guidance makes it clear that the duty does not extend to home educated children who *are* receiving a suitable education.

4.2 In order to fulfil this duty the Local Authority will adopt a multi-agency approach to ensure that all agencies working with children are aware of the authority's duty and that consideration is given to safeguarding and promoting the child's welfare.

4.3 Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. If however it appears that a suitable education is not being provided, the Local Authority can make reasonable enquiries to gather relevant information to assist them in reaching a properly informed judgment and that although parents are under no duty to respond to such requests for information or a meeting DfE guidance states it would be sensible to for them to do so

4.4 In *Phillips v Brown* (1980) it was stated: "*If parents give no information or adopt the course ...of merely stating that they are discharging their duty without giving any details of how they are doing so, the LEA will have to consider and decide whether it "appears" to it that the parents are in breach of s 36. In this context there is no reason why it should necessarily accept the parents' view - opinions differ on what has to be done in discharge of the duty - and if the parents refuse to answer, it could very easily conclude that prima facie the parents were in breach of their duty*"⁴

4.5 Where the Local Authority has any concerns about the suitability of education being provided it will in the first instance work with the family to give them the opportunity to address those concerns.

4.6 The Local Authority has the power to intervene if it is not satisfied that parents are providing a suitable education. Section 437(1) of the Education Act 1996 states that:

"If it appears to a Local Authority that a child of compulsory school age in their area is not receiving a 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."

The period given to the parent should be not less than 15 days, beginning on the day on which the order is served.

4.7 Having been served with a notice, if the parent does not satisfy the Local Authority within the specified period that the child is receiving a suitable education, **and** in the opinion of the Local Authority is expedient

³ As amended by the Education and Inspections Act 2006

⁴ *Phillips v Brown* (1980) Unreported QBD 20 June 1980

that the child should attend school, the authority then has the duty under Section 437(3) of the 1996 Education Act to issue a School Attendance Order. This will require the parent to cause their child to become registered at the school named in the Order. A failure to comply with the order may result in prosecution

- 4.8 The issuing of a School Attendance Order (SAO) will be used as a last resort; after all reasonable steps have been taken to resolve unsatisfactory situations. Prior to this, the Local Authority will have made extensive enquiries and worked with the family and other agencies, where necessary, to resolve the situation informally.
- 4.9 At any stage following the issue of an Order parents may present evidence to the Local Authority that they are providing an appropriate education and apply to have the Order revoked. If the Local Authority refuses to revoke the Order the parent can choose to refer the matter to the Secretary of State. If the Local Authority prosecutes the family for not complying with the Order, then it will be for a court to decide whether or not the education being provided is suitable and efficient.

5.0 PROCEDURES FOR ELECTIVE HOME EDUCATION

- 5.1 Where a child has never been registered at a school and is being home educated, the parent is under no legal obligation to inform the Local Authority of the fact that they are home educating, although many parents do so voluntarily.
- 5.2 Where the child is registered at a school, the parent is not legally obliged to inform the Local Authority directly if they make the decision to home educate (unless the child is a pupil at a special school see 6.2 below) but early contact with the Education Welfare Team can help parents to make an informed decision and satisfy the Local Authority that parents are making suitable arrangements for the child's education.
- 5.3 Where a parent approaches the school to discuss the possibility of EHE, the school should respond to the parent positively and constructively. The school should firstly seek to establish that the reason for considering EHE is based on a positive parental choice, not on a dispute with the school. If this is the case, the school should ensure that all steps have been taken to resolve the issue with the parent and pupil.
- 5.4 The DfE guidelines make it explicit that: "*Schools must not seek to persuade parents to educate their children at home as a way of avoiding exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the statutory guidance. If the pupil has a poor attendance record, the school and Local Authority must address the issues behind the absenteeism and use the other remedies available to them.*"
- 5.5 Where a parent decides to deregister their child from school to home educate the parent **must** inform the school formally **in writing** to the head-teacher requesting that the child be removed from the school roll for the purpose of home education. A head-teacher may only remove a child from the admission register where "*he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school*".⁵
- 5.6 If a parent does not inform the head-teacher in writing the child will remain on roll and the parent may be liable to prosecution for non-attendance under s.444 Education Act 1996.

⁵ Regulation 8(1)(d) Education (Pupil Registration) (England) Regulations 2006

5.7 Where a school receives, as above, notice in writing from a parent it **must** notify the Local Authority immediately of the intention to delete the child from the register by submitting form CME5⁶. The responsibility is on the school to act promptly in such circumstances.

5.8 Before a child is newly registered as being educated at home, EWS will request a meeting subject to the parents' agreement, within approximately 10 days. The purpose of this meeting is to discuss the education planned by the parent, and to offer the parent advice and support on all aspects of education.

5.9 When the EWS receives formal confirmation from a school or directly from a parent that a child is being home educated, a check will be made on the Capita One system to ensure that the deregistration has been correctly recorded and an EHE Referral will be created which will enable the Local Authority to track communication with the home educating family.

5.10 The EWS will write to parents offering the opportunity to book a home visit to discuss their child's education at home for families to provide written evidence about work to be completed by their child. Parents will be encouraged to return the EHE Proposal Form and any supporting information to the EWS; however they are not obliged to do so.

5.11 Where parents agree to a home visit the Schools Advisor will meet with parents and the child, to offer informal advice and guidance on EHE and to inform the parents about the Local Authority's monitoring process.

5.12 The Local Authority respects the fact that parents' plans may not be detailed at this stage and they may not yet be able to demonstrate all the characteristics of "efficient and suitable" provision. The School Advisor will in such situations agree a reasonable timescale for parents to develop their provision.

5.13 During any meeting or conversation with parents, actions may be discussed and agreed between parents and the Schools Advisor regarding the child's education at home. The Schools Advisor will make written notes during the meeting. The minutes of this meeting will be copied to parents as standard practice. The information may be shared with other Local Authority officers with an interest in the child's welfare (e.g. Social Workers, Educational Psychologists), in accordance with the Data Protection Act and St Helens Local Authority's Information Sharing Protocols.

5.14 If, following the meeting with the Schools Advisor it is evident that the child is receiving a suitable education, review meetings will be offered on an annual basis, until the child ceases to be of compulsory school age.

5.15 In considering the suitability of the education provided the Department for Education is clear that the information provided by parents should demonstrate that the education being provided is suitable and address issues such as progression expected and (unless the home education has only just started) achieved. It should not be simply a statement of intent about what will be provided – this would not enable the Local Authority to reach a legitimate conclusion that a suitable education is being provided.

5.16 The Schools Advisor will also expect provision to include the following characteristics, as described in the DFE guidelines:

- recognition of the child's needs, attitudes and aspirations
- opportunities for the child to be stimulated by their learning experiences

⁶ Regulation 12(3) Education (Pupil Registration) (England) Regulations 2006

- access to resources/materials required to provide home education for the child – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults

5.17 If, following a second meeting with parents, no evidence or insufficient evidence has been provided by the parents to satisfy the Schools Advisor that a suitable education is being delivered the Schools Advisor will inform the parent, in writing, of the Local Authority's concerns and make recommendations with timescales to ensure that the child receives a suitable education. The parent will also be advised of the possible consequences of not providing such an education, both for themselves and in terms of the impact on the child. The Schools Advisor will continue to offer advice and guidance to support parents in delivering a "suitable and efficient" education

5.18 Where parents decline home visits, the EWS will offer to meet the parents at an alternative venue and/or will inform parents of alternative appropriate ways of satisfying the Local Authority that a suitable, efficient, full-time education is being delivered. Should a parent refuse contact with the EWS or the Schools Advisor and there is no further reason to suspect that a suitable, efficient, full-time education is not being delivered, and then the EHE Officer will undertake regular checks across relevant agencies to ensure concerns or issues have not been raised.

5.19 Where there are concerns about the suitability of the education being provided and all reasonable attempts to establish the suitability of education have been unsuccessful, the EHE Officer will refer the matter for legal case discussion with the EHE Legal Officer and a formal notice may be issued under s.437 Education Act 1996. The notice requires the parent to satisfy the Local Authority within the period specified in the notice that the child is receiving such education. The period given to provide such evidence shall not be less than 15 days beginning with the day on which the notice is served

5.20 The EHE Officer will aim to keep a constructive relationship with parents during this process and to act in the interests of the child's welfare.

5.21 If, following the service of a s.437 notice, it still appears to the Local Authority that a suitable and efficient education is not being provided and that it would be expedient for the child to attend school this may result in School Attendance Order being issued which will require the parent to register the child at the school named within the Order. See paragraphs 4.6-4.9 above. The aim will always be to resolve difficulties without recourse to this.

6.0 ELECTIVE HOME EDUCATION AND SPECIAL NEEDS

6.1 A parents' right to educate their child at home applies equally where a child has special educational needs⁷. Some children with special educational needs have Education, Health and Care Plans (EHCP) but others do not.

6.2 Where a parent seeks to deregister a child from a special school arranged by the Local Authority, they must first seek permission from the Local Authority SEND team to do so. See Diagram 1.1 *Children with an EHCP*

⁷ Section 10.30 of the SEND Code of Practice 2015

6.3 Where a child has an EHCP and is home-educated, it is the Local Authority's duty to ensure that the child's needs are met. The EHCP must remain in force and the Local Authority must ensure that parents can make suitable provision, including provision for the child's Special Educational Needs (SEN). This specific SEN provision will be reviewed annually by the SEND team to ensure its effectiveness, suitability and to confirm that the child's specific SEN are being met.

6.4 If the parents' arrangements are suitable, the Local Authority is relieved of its duty to arrange the provision specified in the EHCP. If, however, the parents' attempts to educate the child at home results in provision that falls short of meeting the child's SEN needs, then the parents are not making 'suitable arrangements' and the local authority could not conclude that they were absolved of their responsibility to arrange the provision in the EHCP⁸

6.5 Where the Local Authority assesses that the provision provided for the child or young person does not meet their needs then the Local Authority is required to intervene through the school attendance order framework as per paragraph 5.22 – 5.24 above

6.6 If the Local Authority is satisfied, it remains under a duty to maintain the child's EHCP and review it annually, following procedures set out in Chapter 9 of the SEND Code of Practice. The SEND team will coordinate the annual review of the child's EHCP, including gathering information from parents or guardians about the provision provided for the child and requesting comment from the EHE Officer about interaction and evidence provided to the service. Those children who are both EHE and have an EHCP will also continue to be offered review visits as per EHE policy in addition to the annual review of their plan

6.7 Where the Local Authority is satisfied that the child's parents have made suitable arrangements it does not have to name a school in Part I of the child/young person plan⁹ though it should state the type of setting/school/post 16 provisions it considers appropriate and go on to state that "parents have made their own arrangements under section 7 of the Education Act 1996".

6.8 Any parent who is educating their child at home may ask the Local Authority carry out a statutory assessment of their child's special educational needs and the Local Authority must consider the request within the same statutory timescales and in the same way as for all other requests.

7.0 ELECTIVE HOME EDUCATION AND SAFEGUARDING

7.1 Sections 10 and 11 of the Children Act 2004 place a statutory duty on key people and bodies to make arrangements to safeguard and promote the welfare of children. This relates to all children regardless of whether they are educated in a school or at home.

7.2 EWS Inform Social Care of children who have recently become eHE see Diagram 1.2 *Information Sharing with Social Care EHE*

7.3 A failure to provide suitable education is capable of satisfying the threshold requirement that the child is suffering or is likely to suffer significant harm under s.31 Children Act 1989. Where a lack of suitable

⁸ Paragraph 10.36 of the SEND Code of Practice 2015

⁹ Section 324(4A) of the Education Act 1996

education appears likely to impair a child's intellectual, social, emotional or behavioural development the Education Welfare Team will refer the matter to Social Services.

7.4 Where the Local Authority has been unable to obtain sufficient information to determine whether the significant harm threshold is met, an investigation may take place under s.47 Children Act 1989 to make enquiries to enable the Local Authority to decide whether action should be taken to protect the child's welfare.

7.5 Should such enquiries not yield sufficient information, in particular, because the parent refuses access to the child then consideration may be given to applying to the court for a Child Assessment Order¹⁰ which would allow the child to be assessed to see whether the significant harm threshold is met.

7.6 Where it is considered appropriate the Local Authority may also consider applying to the court for an Education Supervision Order¹¹ either on its own or alongside a prosecution.

8.0 ELECTIVE HOME EDUCATION AND CHILD IN NEED/CHILD PROTECTION

81. Local authorities are under a duty to ensure young people in their area are accessing suitable and efficient full time education. The local Authority should also be ready, if a lack of suitable education appears likely to impair a child's development, to fully exercise their safeguarding powers and duties to protect the child's well-being, which includes their suitable education. The Education Welfare Team will follow the local Safeguarding procedures and refer to Childrens' Social Care if they have evidence or suspect that suitable education is not being provided or if they suspect a child is at risk of significant harm.

8.2 When a parent informs a school they wish to electively home educate, the school is requested to complete a Matrix of Vulnerability which would alert the EHE Team that this is a Child in Need or Child Protection

8.3 When the EHE Team is aware that a child is being home educated is identified as a Child in Need or Child Protection, they contact the designated Social Worker to assess if home education is suitable for the child. If it is deemed that it is not the EHE team or Social Worker will support the family to apply for a school place. If no place is applied for the EHE Team will seek a School Attendance Order.

This is how the local authority collects and processes information:

We may collect information from:



*This is not an exhaustive list

The local authority will put all the information on the Early Years Education System.

We may share information with:

¹⁰ s.43 Children Act 1989

¹¹ s.36 Children Act 1989



Children's Services



Other services within
the local authority



Other local
authorities



Housing



Health services

*This is in not an exhaustive list

EHE PROCESS FOR CHILD WITH EHCP

Flow Chart created January 2026

Parent informs schools or SEN Caseworker that they would like to remove the child to EHE



SEN Caseworker meet with the parents ensures they understand their responsibilities and changes section "I" on the plan, they then inform EWS who inform school that they can remove from roll



EWS School Advisor assess the plan against the needs in the EHCP and produces a report which will outline if the plan is suitable and informs SEN Caseworker



EWS Speak with parent ensure the parents feels it's the right decision and requests to see a plan of education and also requests the EHCP from SEN



Parent informs schools or SEN Caseworker that they would like to remove the child to EHE



School or SEN inform EWS of the parents' details

Information Sharing with Social Care EHE

MONTHLY

Send a list of all children new to EHE over to the mash team. Include DOB, address, parents' information and EWS involvement.



MASH to screen all children and to confirm, phone numbers and address and any concerns.
MASH will also share with the SW/EH if they are involved.



If has SW of EH, EWS to make contact, to identify any support with engagement in education.

Future contact with families, no response from parents, EWS to check the address and telephone number with Social Care.