

Elective Home Education: An Approach to Safeguarding for LLR

1. Introduction

Leicester, Leicestershire and Rutland Local Authorities (LLR) recognise that education is a fundamental right for every child.

LLR encourage and support parents/carers to enrol their children at school, it nevertheless recognises that parents/carers have a right to educate their children at home. LLR is committed to working in partnership with these home educating parents/carers in order to help ensure that their children are provided with efficient, full-time education suitable to their age, ability, and aptitude and to any special educational needs which they might have.

LLR aims to build effective and positive relationships with home educating parents/carers and their children, relationships which are rooted in mutual understanding, trust and respect. LLR also aims to ensure that children who are electively home educated receive an equitable offer from external agencies, in line with their peers who attend school.

This approach is intended to detail how different services within each Local Authority area will be made available and accessible to those children and families educating at home.

2. Context

This Policy is based on the legislative framework established by the Education Act 1996 and incorporates the essential principles of the [Department for Education \(DfE\) Elective Home Education Guidance for Local Authorities](#)

This Policy has also been developed in the context of the duty placed on local authorities to make arrangements to safeguard and promote the welfare of children (Section 175 of the Education Act 2002).

Each Local Authority will ensure that in discharging its Elective Home Education (EHE) responsibilities, it is alert and responsive to any actual or potential safeguarding concerns which may emerge whether these concerns emerge through either the engagement, or the non-engagement, of home educating parents/carers. Should an Authority consider that any safeguarding concerns may exist in relation to a home educated child it will always consider these concerns to be of paramount importance and will act accordingly.

This Policy aims to achieve an appropriate balance between the rights of the home education parents/carers on the one hand, and the responsibilities of the Local Authorities on the other.

Our approach is in line with Principles for Working with parents and carers as set out in statutory guidance [Working Together to Safeguard Children](#) and encourages: -

- Effective partnership working with parents and carers built on strong and positive, trusting and co-operative relationships
- Strong and robust multi-agency working arrangements
- Proactive Information sharing to identify, assess and respond to risk or concerns about the safety and welfare of children

3. Legislation

Parents/carers have a legal duty under Section 7 of the Education Act 1996 to cause their children to receive efficient full-time educations suitable to their age, ability and aptitude and to any special educational needs which they may have, "either by regular attendance at school or otherwise" (The phrase "or otherwise" can mean "at home").

The term 'efficient' can be defined as 'achieving what it sets out to achieve'.

The term 'full-time' has no current legal definition. Children normally, however, attend school for between 22 and 25 hours a week for 38 weeks a year, but this measurement of 'contact time' may not be relevant to EHE where there is often almost continuous one-to-one contact and education may take place outside of normal 'school hours'.

The term 'suitable' can be defined as 'if it primarily equips a child for life within the community of which she/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'.

Working Together to Safeguard Children 2023 states: -

All children aged 5 to 16 are legally entitled to a full-time education, suitable to any special educational need. Education is essential for children's progress, wellbeing and wider development and being in school is a protective factor against wider harms, including exploitation. Where children are not receiving education, either because they persistently missing school, or are not registered at a school and not receiving a suitable education otherwise, this could be a possible indicator of neglect, abuse or exploitation or could in itself constitute neglect in severe and sustained cases.

4. Responsibilities of Parents/Carers

All references to parent/parents mean parents and carers with Parental Responsibility.

The responsibility for a child's education rests with their parents.

In England education is compulsory but school is not. Article 2 of Protocol 1 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/carers to ensure such education and teaching is in conformity with their own religious and philosophical convictions".

Parents who choose to home educate must be prepared to assume full financial responsibility for doing so, including bearing the cost of any public examinations.

Parents are not required to register or seek approval from the Local Authority if they wish to home educate their child. If the child is of preschool age, parents are not required to notify the Local Authority of their intention to home educate but they are encouraged to do so.

If a child is on roll at a school when the parents choose to home educate, the parents should write to the headteacher of the child's school, stating an intention to home educate.

Having informed their child's school of their intention to home educate parents are not required to notify or contact the Local Authority but are nevertheless encouraged to do so.

5. Schools

When home education is being considered by a parent, the school should seek to hold a conversation with the child's family to satisfy themselves that the request is genuine, and that the family are fully aware of what their duties are as home educators. Parents should also be made aware of how this will affect funding that has been allocated to the child through their school (for example any additional funding the school receives for the child and/or free school meals). Families should also be made aware that should they later change their decision, there may not be a school place available for their child to return to at their preferred school. The school must notify their local authority that they have received a letter from the parent via the relevant referral procedure.

If it appears likely or possible that a parent may be considering EHE, not as a positive choice, but in response to, for example, a one-off incident at school or as a means of avoiding a particular issue of schooling, such as attendance or behaviour, the Local Authority may suggest to the parent that a meeting be held at the school where the child is/was previously on roll, in order to confirm that the parent is choosing to home educate for positive reasons and that the decision to home educate is being made in an informed and considered way with the child's best interests as the prime consideration.

(There would be no intention of trying to dissuade the parent from choosing to home educate and the parent's participation in such a meeting would be entirely voluntary. If the parent declined to agree to such a meeting, then the suggestion would not be pursued further).

Once the headteacher has received this written notification from parents that they are deregistering their child to electively home educate, he/she must, immediately, delete the child's name from the school roll and notify the Local Authority of this deletion. (See exceptions below.)

If the child has an EHCP, the school should notify the LA SEN Service in the relevant Authority and an emergency annual review should be held.

There are limited exceptions to the automatic right to remove a child from a school roll for the reason of EHE;

- Where the EHCP names a special school, that school will need to consent of the LA to remove the child from roll. In these circumstances, the Local

Authority must be satisfied that the child's SEND will be met including health aspects of the EHCP.

- If a child is on roll at a school as a result of the Local Authority having previously served a School Attendance Order, the parents must apply to have the Order revoked before the child's name can be removed from the school roll.
- If the Local Authority has PR for a child, the Local Authority's agreement is required for a child to be removed from the school roll.
- Where a parent with PR disagrees with the child being removed from the school roll, the parents will either need to come to a mutual decision, or a Court Order will be required to change the child's education status.

Schools should not mention EHE unless raised first by a parent, nor should they advise or recommend that parents/carers home educate, especially if a child is experiencing difficulties at school.

Should a parent notify a school that he/she intends to home educate the school should notify the Local Authority of this information and ensure that this request is confirmed in writing by the parent.

Upon receipt of this written request the school should formally notify the Local Authority using the established EHE notification process for the relevant LA. The school then remove the child's name from the school roll once the local authority has confirmed receipt of the referral.

6. Responsibilities of the Local Authority

Each Local Authority is responsible for ensuring that it has a clear and easily accessible EHE policy which sets out the legal position, establishes clear and fair procedures and explains the respective roles and responsibilities of the Local Authority and home education parents.

The Local Authority is encouraged (in the DfE Elective Home Education Guidance) to make informal enquiries of home educating parents and to ask for information. Home educating parents are under no legal duty to respond to such enquiries or to provide such information, but the guidelines nevertheless suggest that 'it would be sensible for them to do so'.

The Authority will endeavour to establish positive and supportive relationships with home educating parents, recognising that home educating parents adopt a rich and diverse range of approaches to home education and use a variety of philosophies and methods.

Such positive relationships will be helpful in encouraging parents to access the support and services available to children to promote both their social and education needs.

With regards to its involvement in EHE, the Local Authority's primary interest lies in the suitability of the provision which home educating parents make, not their reason to home educate.

The Local Authority may request a home visit or a meeting with home educating parents, but again home educating parents are under no legal duty to agree to such a visit or meeting.

DfE guidelines make it clear that when parents choose not to agree to a home visit or to any other form of meeting, between the Local Authority and themselves, this does not of itself constitute a ground for concern about the education provision being made. (Should home educating parents, however, persistently and repeatedly decline to respond to all reasonable enquiries made by the Local Authority, the Authority may, in certain circumstances, consider that it is unable to satisfy itself that the child is in receipt of suitable education and may consider the need for further action on its part which may include seeking information from partner agencies to inform those next steps.

The Local Authority will endeavour to give home educating parents every opportunity, over a reasonable period of time, to demonstrate that they are providing a suitable education. The Authority will ensure that its attempts to secure information from home educating parents are reasonable and proportionate.

The Local Authority does, however, as noted above, have a legal duty under Section 437 of the Education Act 1996 to take action " if it appears" that a child of compulsory school age is not receiving suitable education. If it appears that a child is not in receipt of suitable education the Local Authority will serve a School Attendance Order. Prior to taking any such formal action the Local Authority will always, unless there are exceptional circumstances, attempt to address the situation informally.

Should home educating parents repeatedly and persistently refuse to respond to its informal enquiries the Local Authority may, in certain situations, consider that this is evidence that no provision is in place. In such circumstances the Authority may consider whether it is necessary to serve a School Attendance Order. Such an Order would only be served after all reasonable steps had been taken to resolve the situation.

Whilst the Local Authority has no statutory duty to monitor the quality of home education on a routine basis, each Local Authority will nevertheless have a policy which describes their typical processes for engaging with home educating families, the focus being to satisfy the Local Authority that the education the child is receiving *appears* to be efficient, full-time and suitable to the child's age, ability and aptitude and to any special educational needs which they may have.

Each LA has their own Policy on EHE. The links to each LA's policies are:

Leicester City Council - [Home education \(leicester.gov.uk\)](http://leicester.gov.uk)

Leicestershire County Council - [Leicestershire EHE Policy](#)

Rutland County Council - [Rutland - Elective Home Education](#)

7. Children with Special Educational Needs

Parents of a child with special educational needs have an equal right to home educate if they so choose.

As noted above, however, if a child attends a special school the agreement of the Local Authority must be obtained before that child's name is removed from the school roll.

When a home educated child has an EHCP, the Local Authority remains responsible for ensuring that the child's needs are met and for maintaining the Plan and reviewing it annually. The Special Educational Needs Team, in liaison with the Elective Home Education Service, will be responsible for arranging EHCP reviews.

The Local Authority will, therefore, only agree to a child's name being removed from the roll of a special school when it has satisfied itself that the parents are able to make the provision specified in the EHCP.

If the Authority considers that the provision specified in the EHCP can only be properly made by the school at which the child is enrolled (or at another similar school) it will recommend to the parents that the child returns to that school and will decline to give its agreement to the child's removal from roll.

8. Process and Procedures

Leicester, Leicestershire and Rutland Local Authorities recognise that there are many, equally valid approaches to educational provision. What is suitable for one child may not be for another, but all children should be involved in a learning process.

When Leicester, Leicestershire and Rutland Local Authorities first becomes aware that parents have elected for home education, a process of gathering information is used to consider any responses that might be required by the Local Authority. This may include information from the child's previous school, SEND, CSC and Early help for the purpose of understanding any support that may be provided to support the child.

When this information raises specific concern about the how complex the child's education need may be, offers of support to parents will be considered such as links to local support provision. When these concerns are more general safeguarding concerns consideration will be made to making a referral to Children's services

Contact will be made with the family, to establish that the education provision that is being put into place is suitable and that a full-time education is to be provided which is suitable to the child's age, ability and aptitude and to any special needs which they might have.

Although the Local Authority has no statutory duty to monitor the quality of home education on a routine basis, contact will be made with parents at least once a year to ask for information to keep data base up-to-date and to offer advice.

In order to enable the Local Authority to make an initial judgement on the suitability of the education being provided by home education parents the EHE Officer will carry out an EHE assessment.

The Local Authority will reasonably expect the EHE provision to include the following characteristics:

- i. Recognition of the child's needs, attitudes and aspirations;
- ii. Opportunities for the child to be stimulated by his/her learning experiences
- iii. Access to resources/materials required to provide suitable home education (pens, books, materials, ICT, etc.);
- iv. Consistent involvement of parents and other significant carers;
- v. Evidence that opportunities are planned for appropriate interaction with other children and adults.

Various forms of evidence as to the suitability of the provision may be provided by, or requested from the parents. Local Authorities are entitled to request information in excess of assertion only. (See In *Goodred v Portsmouth City Council* [2021] EWHC 3057 (Admin) (16 November 2021), the claimant, Christina Goodred, contended that her children were receiving a suitable education at home.)

When the assessment of the education has been completed a decision will be made by the Local Authority as to whether the education which the child is receiving is considered to be suitable. The Local Authority then follows its Policy which determines the usual timescale for next contact.

When there are concerns about the suitability of education, or when the arrangements being made are considered to be wholly unsuitable, each Local Authority's Policy details the actions to be taken.

Where the decision is that a child is a child missing from education, and not an EHE child, the Local Authority will initiate an investigation and work towards ensuring that a child returns to education as quickly as possible; this will include following the School Attendance Order process where appropriate.

Should a home educating parent wish to make a complaint about, or to challenge the assessment made by, the Local Authority this should be done in writing and addressed to the EHE Officer within 28 days.

Information sharing

Working Together to Safeguard Children 2023 Chapter 3 notes:-

It is important that relevant information where children are home educated is shared between local authorities, schools, colleges, and other relevant partners. Parents have a right to educate their children at home providing the education is suitable. When a child of school age is not a registered pupil at a school and is not receiving suitable education at home, this could be an indicator of neglect, abuse, or exploitation. Schools must notify the local authority of a child's removal from the school roll and they should also share information on a child's circumstances, especially if already known to children's social care or if they have an EHC plan.

These statutory requirements inform our local approach to information sharing in response to any child who becomes Electively home Educated

Health

It is important that all children have the benefit of support to help them to achieve their best outcomes. For this reason, once a child is identified as EHE information will be shared with Child health services so that standard health information and links to universal health programmes can be established for EHE children – and health systems will capture that the child's education status is Electively home Educated.

Operation Encompass/encompass plus – it is routine to notify a school as part of operation Encompass and encompass plus when a child may be identified as a result of police intervention including Domestic abuse and other offending incidents.

It is important that children who are EHE have the same benefit of support to the trauma of these incidents. For this reason, operation encompass/encompass plus information will be shared routinely in line with scheme rules with the relevant local children's services teams.

The team will consider the information and if required take advice from CSC to consider best responses. This may include no further action, telephone contact to offer assistance or formal referral to CSC for social work assessment.

CSC/Early Help – when EHE arrangement starts it is expected that Education effectiveness team gathers information from Early Help, SEND and CSC as part of understanding the suitability of the arrangement. This enquiry will be recorded in line with standard recording processes.

9. Safeguarding including support

Under Section 175 of the Children Act 2002 the Local Authority has a general duty to safeguard and promote the welfare of children. The Local Authority has powers to enable it to insist on seeing children to enquire about their welfare where there are grounds for concern. Such powers, however, do not give the Local Authority the ability to see and question children who are being home educated in order to establish whether they are receiving a suitable education.

The Local Authority will nevertheless discharge its safeguarding functions in relation to home educated children by attempting to engage proactively with all home educating parents and to ascertain the views of children who are home educated; in some cases, there will be an attempt to seek to see and speak with a home educated child in person with their parent.

Whilst the Local Authority recognises that children who are home educated are no more likely to be the subject of abuse or neglect than are children who attend school, the Local Authority nevertheless notes the particular circumstances of home educated children and how this may increase vulnerability for some.

For this reason, it is important that all agencies providing universal and targeted support consider how these services are accessible for children who are Electively Home

Educated this includes access to Early Help, and health services. Agencies considering allocation of resources should take account of the child's needs in the context of EHE and how this may make their wider social needs more complex.

Should any safeguarding concerns emerge in the course of engagement with home educating families, or in consequence of a lack of engagement, these concerns will be consulted on with the relevant Safeguarding team and if deemed to have met the LLR threshold of need and intervention will then be promptly referred to Children's Social Care.

Whilst a failure to respond to the informal enquiries of the Local Authority will not in itself be seen as evidence of safeguarding concerns, a repeated and persistent failure to respond, together with other contextual information, may in certain circumstances cause the Local Authority to consider the need for further action.

If the parents of a child who is subject to a Child Protection Plan (CPP) declare an intention to home educate, the Local Authority will ensure that any services working with the family are aware of this. The assessment of education will be carried out as a matter of urgency to ensure that it is suitable within the wider context of the risk which has led to child protection planning and addressed as part of the multi-agency plan and oversight of the multi-agency Core Group.

When considering a referral for a child who is EHE, children social care should take account of the child's full circumstances and consider how the child's voice can be captured to inform a response.

Children who are EHE can be less visible to professionals and for this reason careful consideration of their needs in response to Safeguarding concerns is needed by all agencies. When coming into contact with a child who is EHE professionals should be curious about the child's lived experience and include their voice in plans to deliver services. This includes the provision of universal health support.

Children in school may already be causing concern with respect to safeguarding. A child may have been the subject of an Early Help Assessment, or this may have been offered to the family and refused. If school or any professional has any safeguarding concerns for a child being removed from school for EHE to start, the school should follow their safeguarding procedure, contact CSC to discuss or make a referral identifying their concerns. [See the Leicester and the Leicestershire and Rutland SCP Referrals Procedure](#)

Some of the issues that might give rise to safeguarding concerns in the context of EHE starting, especially when more than one issue has been identified and when they include parenting capacity, are:

- Social isolation;
- CSE/Gangs and exploitation;
- Poor presentation i.e. dirty and tired;
- Poor behaviour and social skills;

- Unmet health needs;
- Parental / mental illness / substance abuse/domestic abuse particularly when combined;
- Frequent changes of school;
- Children with special educational needs;
- Lateness and poor attendance.

Safeguarding concerns may have been present prior to the child's removal from school for EHE or they may come to light afterwards. Also, existing concerns may escalate due to the intensity of the child / parent relationship.

If the Elective Home Education team has concerns following any contact with parent(s) or the child/young person, they would raise these with CSC and consider a referral.

10. Childrens Social Care Response

When considering a referral where the child is known to be electively home educated or this becomes evident as part of exploring referral information Childrens social care should always be curious about the child's lived experience and note the fact that they are likely to be less visible to wider professional support. This will be taken account of as part of consideration of threshold criteria and details of the referral.

On receipt of a referral meeting the threshold for social care intervention where the child or young people is recorded as home educated, a Social Worker will be allocated to complete an Assessment. It is essential that the Social Worker speaks to:

- All members of the household;
- The child's father/mother if they are absent from the household but still in contact with the child;
- All professionals involved with the family, including EHE team;
- The child, who should be seen alone to gather their views.

The Social Worker needs to be mindful that:

- Once removed from school, the child is not being seen on a daily basis and no longer has access to a range of trusted adults with whom to share concerns about their welfare;
- Elective Home Education regulations do not provide a statutory right of access;
- That they seek advice and guidance from EHE team within education to clarify what education within the framework should or could look like to ensure that judgements are appropriate.

- That a joint home visit between social worker and EHE team member could be considered to assess educational offer, support any plan and ensure education is suitable.

If following the SW assessment, the education provided by the parents is deemed to be unsuitable, the EHE team will take appropriate action to address which may include a referral to the Children Missing Education Officer or relevant team.

Professionals, such as GP's or Health Visitors and others listed above, who are in contact with a family where a child is educated at home should be mindful of the fact that the child is not being seen on a daily basis and does not have access to a range of trusted adults with whom to share concerns about their welfare.

All agencies should consider including reference to the child's EHE status in their records in the same way they would capture their school details so that this is clear.

If these professionals have any concerns about the child's safety or welfare, they should ensure that the [LLR Child Protection Procedures](#) are followed.