


Children's Services: Inclusion and Skills

Elective Home Education Policy

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Hertfordshire County Council

Elective Home Education Policy

All Children and young people regardless of their circumstances are entitled to an efficient, full-time education which is suitable to their age, aptitude, and any special educational needs they may have. Effective information sharing between parents, schools and local authorities is vital to ensuring that all children and young people are safe and receive a suitable education.

Hertfordshire County Council recognises and supports parents' right to choose to fulfil their legal duty to educate their children 'otherwise than at school' in accordance with section 7 of the Education Act 1996.

The council sees its role in relation to elective home education as part of its wider responsibilities, including safeguarding, of all children living in Hertfordshire.

1.0 Introduction:

1.1 Elective home education (EHE) is the term used by the Department for Education (DfE) to describe parents' decision to take responsibility to provide education for their children themselves instead of sending them to school. This is different from home tuition provided by a local authority or education provided by a local authority other than at school.

1.2 This document sets out the current legal position and outlines Hertfordshire County Council's policy in relation to elective home education. The policy reflects the DfE document 'Elective home education – departmental guidance for local authorities' published in April 2019.

1.3 Any family may consider home educating their child/ren and the reasons for deciding to do so are as varied as the approaches/methods of the education undertaken. For some families it is a decision based on their philosophical, spiritual, or religious outlook, for others it is dissatisfaction with the school system or a short-term decision for a particular reason.

1.4 A decision to home educate can only be made by those with parental responsibility.

1.5 Schools must not seek to persuade parents/guardians to educate their children at home. Where a parent decides that they wish to remove their child/ren from a school roll in favour of elective home education, they should be asked to confirm their decision to the school in writing either by letter or email, so that the school has the required evidence to conduct a legitimate removal from roll.

NB: if the letter/email does not explicitly state that the parent/guardian will electively home educate then the pupil must remain on the school roll.

It is good practice for the school to meet with the parent/guardian to discuss the reasons for this decision, as sometimes the family may have concern with the school which the school may be able to resolve.

If the pupil is to be removed from the school roll following a parent/guardian's decision to home educate, the school has a statutory responsibility to inform the local authority.

1.6 Schools are required to share any concerns that they hold in relation to the child/ren being home educated and where concerns are raised, Elective Home Education will undertake informal enquiries to determine whether the child/ren are in receipt of a suitable education.

Where schools hold concerns about parental commitment to educate their child/ren at home, it is important that such concerns are logged on the removal from roll form sent to the local authority to enable us to enquire whether parents/guardians have taken the necessary steps to provide a suitable education for their child/ren.

1.7 This policy covers children who are of compulsory school age. A child becomes of compulsory school age from the first of the following dates: 31 August, 31 December or 31 March, whichever of those dates occurs after she or he becomes five years old (or if the fifth birthday falls on one of those dates, on that day). A child remains of compulsory age until the last Friday of June in the academic year in which she or he becomes sixteen.

2.0 The law relating to elective home education:

2.1 Parents have a duty, under section 7 of the Education Act 1996, to ensure that their child/ren of compulsory school age are receiving suitable full-time education.

Section 7 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.”

Parents may choose to exercise this responsibility by educating their child at home. It is important to note at this juncture that whilst education is compulsory, school is not.

2.2 An **efficient education** is not defined in the Education Act 1996 but “efficient” has been broadly described in case law¹ as an education that “achieves that which it sets out to achieve”,

2.3 A **“full-time” education** is not defined in law and parents do not have to keep to school hours or terms. However, the DfE guidance is clear that ‘local authorities should be enabled by parents to assess the overall time devoted to home education of a child on the basis of the number of hours per week, and weeks per year so that this information can be set alongside that relating to suitability to ensure that the home education meets the requirements of section 7’ and is also clear that ‘education which manifestly is not occupying a significant proportion of a child’s life (making due allowance for holiday periods) will probably not meet the s.7 requirement’

2.4 A **suitable education** should ‘enable a child to participate fully in life in the UK by including sufficient secular education. This means that even if the home education is primarily designed to equip a child for life within a smaller community within this country it should not foreclose the child’s options in later life to adopt some other mode of living, and to be capable of living on an autonomous basis so far as he or she chooses to do so’.

2.5 The local authority will consider the circumstances of each child and the education provided to reach a view as to the suitability of home education and will expect to see the following elements demonstrated:

- Home education programmes should contain elements of essential learning tools such as English and Maths, combined with knowledge and skills which will allow the child to pursue their own options in life.
- Home education should include meaningful activities where the 'learning' is identified and can be demonstrated and where the progress is measured.
- There will be opportunities for the home educated child to socialise with others.

2.6 The Local Authority may most likely not be able to conclude, after exhausting all opportunities, an education is suitable if:

- No information is provided.
- Limited information is provided which lacks sufficient detail to enable the Local Authority to ascertain what education is being received.

2.7 The Local Authority may request to see samples of work or other evidence to gain a fuller understanding of the education being received and to be satisfied that progress is being made¹.

3.0 Parents' rights:

3.1 Parents have the right to elect to educate their child/ren at home. If a child has never been registered at a school, parents are not under an obligation to notify the local authority of their decision to home educate.

However, identification of children who have never attended school and may be home educated forms a significant element of fulfilling an authority's statutory duty under s.436A of the Education Act 1996 - to make arrangements to enable the authority to establish, so far as it is possible to do so, the identities of children in its area who are not receiving a suitable education.

The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than at school (for example, at home, or in alternative provision). **Until a local authority is satisfied that a home-educated child is receiving a suitable full-time education, then a child being educated at home potentially falls within the scope of this duty** and the department's children missing education statutory guidance for local authorities applies.

3.2 Parents are not obliged to seek approval from the local authority to educate their child at home, however it is helpful for the local authority to be made aware that parents are home educating.

In the case of a child who attends a special school, consent must be given by the Local Authority before their name can be taken off roll for home education. (Please see 4.5)

3.3 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 Care Plan (EHCP). [Home educating your child with SEND \(hertfordshire.gov.uk\)](http://hertfordshire.gov.uk)

3.4 Parents have the right to request the local authority carry out a statutory assessment should they come to believe that their child may have special educational needs, or a reassessment if they feel the child's needs have changed, and the local authority must consider the request within the same statutory timescales and in the same way as for all other such requests.

¹ 1 Mr Justice Woolf in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust (12 April 1985)

3.5 Parents have the right to request of a head teacher a 'flexi-schooling' arrangement, whereby a child may receive part of their education at a school. Schools are under no obligation to agree to such arrangements. When a child is 'flexi-schooled' parents must still ensure that the child receives a suitable full-time education, and the element received in school is considered. *Please see Local Authority Flexi Schooling Advice for Schools, Parents/carers and professionals.* [hcc-flexi-schooling-advice-for-schools-parents-carers-and-professionals \(thegrid.org.uk\)](http://hcc-flexi-schooling-advice-for-schools-parents-carers-and-professionals (thegrid.org.uk))

3.6 Parents of a child being educated at home may apply for a school place through Hertfordshire's admissions In Year Application process at any time. Please see link: [In year admissions – change school during the year | Hertfordshire County Council](#)

4.0 Parents' responsibilities

4.1 Parents who choose to educate their children at home must be prepared to assume full financial responsibility for all aspects of their child's education, including bearing the cost of any public examinations. The local authority is not under any duty to provide resources where parents have chosen to educate their child at home.

4.2 Parents must ensure that their child receives suitable full-time education for as long as they are of compulsory school age. Young people who have reached the end of compulsory school age may also be educated at home to meet the requirement to participate in education or work and training until they reach 18.

4.3 If a child is registered at a school (other than a special school) and parents wish to home educate, ideally, they should notify the proprietor/head teacher in writing that they are withdrawing their child to home educate and request that the child's name is removed from the school's roll.

Whilst this is not a legal obligation, until a child is removed from the school roll (which can only be when one of the trigger points specified in the Education (pupil Registration) (England) Regulations 2006 as amended is reached), the parent is at risk of prosecution for not securing attendance at the school even if suitable home education is being provided.

This means that it is in a parent's interests to notify the school in writing of withdrawal for home education.

4.4 Parents who wish to home educate a child who is registered at a school as the result of a School Attendance Order must ask the local authority to revoke the order before the child can be removed from the school's roll.

4.5 If a school already attended by a child is a special school and the child is attending it under arrangements made by the local authority, the local authority's consent is necessary for the child's name to be removed from the admission register. If the child is to be withdrawn to be educated at home the local authority, in deciding whether to give consent, should consider whether the home education to be provided would meet the special educational needs of the child, and if it would, should give consent.

However, that consideration should take into account the additional difficulties of providing education at home to a child whose special educational needs are significant enough to warrant a place at a special school.

Until consent is given, the child must continue to attend the special school.

4.6 There is no equivalent requirement for children with an EHC Plan who attend a mainstream school; the parents of a child may withdraw him or her without the local authority's consent, although they should be encouraged to engage with the authority before doing so, whenever possible.

4.7 In some cases, two parents (usually divorced or separated, but both having parental responsibility) may disagree as to whether home education is desirable, or at least is being provided properly.

The local authority should do its best to obtain full details of who has parental responsibility in such cases. The parent with whom the child lives for most of the time is normally in effective control of the education provided and whether the child attends school. However, that can be subject to a specific issue order made by the Family Court.

If the local authority believes that the education being provided in the home in these circumstances is not suitable, it should take action and keep both parents informed of what is happening, unless there is a specific reason (usually arising from a specific court order or safeguarding considerations) to limit this information for one parent.

5.0 Local authority EHE process:

5.1 The local authority welcomes the opportunity to discuss with parents their intention to home educate before putting it into effect to support parents to make fully informed decisions and ensure that parents have not felt pressured into making their decision.

5.2 The Local Authority would welcome parent's engagement with EHE as EHE may be able to provide advice, guidance, or support if appropriate or possible.

5.3 Once the local authority has been informed by the parent, school or other professional that a child is being removed from roll to be home educated, parents will be contacted to explain next steps and informal enquiries undertaken. The Local Authority will gather and request detailed information about the education being provided so that we can establish the suitability of the education and to ensure that parents are discharging their duty under section 7 of the Education Act 1996.

5.4 If, after all reasonable and **exhaustive** efforts have been made, parents do not supply information about the education they are providing or they fail to satisfy the local authority that the education they are providing is suitable, the local authority will make formal enquiries as described in section 437(1) of the Education Act 1996 which states:

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

5.5 Should the local authority's EHE enquiries suggest that the education provided is not suitable the local authority may issue a School Attendance Order under section 437(3) of the Education Act 1996 naming a school at which the parents must register their child.

5.6 Hertfordshire County Council keeps a record of all children known to be electively home educated and asks parents to update information about the education they are providing on at least an annual basis where possible.

6.0 Special Educational Needs and Elective Home Education:

6.1 The local authority continues to have certain responsibilities regarding children who have an EHC Plan and will review EHC Plans annually.

6.2 The EHC Plan will continue to name the type of school that would be suitable if the child were to be educated at a school but will state that the parents have chosen, under section 7 of the Education Act 1996 to educate their child at home.

6.3 If a school is named on an EHC Plan and parents decide to remove their child to home educate, the local authority is **not** under a duty to make the special educational provision set out in the plan provided it can be satisfied that the arrangements made by parents at home are suitable.

6.4 The SEN Code of Practice para. 10.32 states '*Where the local authority has decided that the provision [EHE] is appropriate, it should amend the plan to name the **type of school** that would be suitable but state that **parents have made their own arrangements under Section 7 of the Education Act 1996***'.

6.5 For more information on delivering home education for children with SEND please [follow this link](#).

7.0 EHE procedure if the local authority is not satisfied that provision is suitable:

7.1 Where parents/carers choose not to engage with EHE, fail to provide information about the education being provided for their child(ren) or the information provided does not appear suitable then the local authority will serve a **formal notice** to the parents/carers under section 437(1) of the Education Act 1996 asking them to satisfy the local authority within the specified time that their child is in receipt of a suitable education.

7.2 If, following the service of a formal notice under section 437(1) the parent fails to satisfy the local authority that the child is in receipt of a suitable education, the local authority will refer to CME (Children Missing Education). The LA may then serve a School Attendance Order on the parent requiring them to register their child at the school named on the Order within 15 days.

7.3 Failure to comply with a School Attendance Order is a criminal offence and may result in a prosecution brought against a parent under section 443 of the Education Act 1996.

7.4 The local authority may also consider the use of Education Supervision Orders in addition to or as an alternative to prosecution in appropriate cases.

7.5 A School Attendance Order can be revoked, if parents submit new evidence to the local authority that they are providing a suitable education.

7.6 If the LA referred a child to CME (Children Missing Education) as it was not satisfied that a suitable full-time home education was in place, but parent still wishes to home educate, the child will remain as CME until the home education provision is assessed as suitable.

7.7 Should the local authority receive information from another professional or from a third party at any stage which suggests that parents may not be or no longer be providing a suitable education, Elective Home Education will make further enquiries about the education being provided.

8.0 Safeguarding:

8.1 Hertfordshire County Council has a duty under The Children Act 2004 to make arrangements to safeguard and promote the welfare of children. Any safeguarding concerns raised will be referred to Children's Services Social Care.

8.2 *‘Where necessary – because it is evident that a child is simply not receiving suitable education at home and the use of school attendance powers is not achieving a change in that situation – the local authority should be ready to use its safeguarding powers The overriding objective in these cases is to ensure that the child’s development is protected from significant harm’.* These cases will be referred to Children’s Services Social Care for consideration.

8.3 In relation to home educated children, the local authority will, where reasonably practicable, consider the child’s wishes and feelings regarding the provision of services.

9.0 Record keeping, data protection and information sharing:

9.1 Hertfordshire County Council (HCC) Children’s Services regards the lawful and correct treatment of personal information as very important to carry out its operations successfully and to maintaining confidence between those with whom we deal and ourselves. We ensure that our organisation treats personal information lawfully and correctly.

9.2 HCC Children’s Services needs to collect and use certain types of information about people with whom it deals to operate and any details of the services we provide or information about you or your family will be stored and used in strict accordance with our registration under the Data Protection Act 1998. Please also see our Privacy Notice for further information [How we use your information | Hertfordshire County Council](#)

10.0 Comments, compliments, and complaints

10.1 If you wish to make a comment, compliment, or complaint about the service you have received please discuss the matter with the relevant EHE staff member, email EHE@hertfordshire.gov.uk or follow this link which will give you the information you need. [Complain, compliment or comment about our services | Hertfordshire County Council](#)

11.0 Reviewing Policy and Procedures

11.1 Hertfordshire County Council will review policy and procedures in relation to home education on a regular basis.

12.0 Contacts/useful information:

12.1 EHE can be contacted by telephone via customer services on 0300 123 4043 or email EHE@hertfordshire.gov.uk

Hertfordshire County Council’s Information for Parents document which gives a full explanation of parents’ responsibilities in relation to home education and information about how Elective Home Education seek to work with families is available at [Educating your child at home | Hertfordshire County Council](#)