

Inclusion Support Service

# Information for Schools, Other Education Providers and Local Authority

Elective Home Education (EHE)

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# Elective Home Education Advice for Schools and Local Authority

## Definition

**Elective Home Education (EHE)** is sometimes referred to as *home schooling* or *home education*. The parent takes on full responsibility for the child's education.

**Home tuition** is very different from EHE and should not be confused. Home tuition is where the school or Local Authority provide a home tutor (teacher) – frequently for medical reasons – therefore the pupil remains on roll of the school.

**Education Other Than at School (EOTAS) package** – in rare cases the Local Authority SEN service will provide a package of education or a personal budget for a child with an Education, Health and Care Plan instead of a school place – the LA remains responsible – this is not EHE. DfE EHE Guidance s8.8

Hampshire County Council's policy and guidance on EHE for parents:

<https://www.hants.gov.uk/educationandlearning/educationinclusionservice/electivehomeeducation>

Department for Education guidance for Local Authorities:

<https://www.gov.uk/government/publications/elective-home-education>

## Contact

Elective Home Education Co-ordinator - Charlotte Postle 02392 441507

Inclusion Support Service Manager - Jon Willcocks 01962 876263

Email – [eheshampshire@hants.gov.uk](mailto:eheshampshire@hants.gov.uk)

## Glossary

EHE – Elective Home Education

ISS – Inclusion Support Service

ISSM– Inclusion Support Service Manager

EMTAS – Ethnic Minority and Traveller Achievement Service

SEN – Special Educational Needs

EHCP – Education, Health and Care Plan

CME – Child Missing Education

EOTAS – Education Other Than at School – SEN package.

LAC – Looked after Child

CiC – Child in Care

CPP – Child Protection Plan

HCC – Hampshire County Council

# Elective Home Education – Information for schools

## 1. A child's right to an education

Parents have a duty to ensure their child has a suitable education, in school or otherwise. If they genuinely believe this is best delivered by EHE, HCC respects parental wishes. However, this decision is sometimes prompted by a breakdown in the relationship between home and school, or by parental concerns about their child's wellbeing at school. We expect schools to have a positive working relationship with parents. Please refer to chart 1. If the school receives notification from parents to EHE, Hampshire recommends offering a meeting with parents to discuss this; the school should contact [eheshampshire@hants.gov.uk](mailto:eheshampshire@hants.gov.uk) to see if there is capacity for an HCC representative to attend and support at this meeting. This meeting may be a follow-up to previous meetings.

If there are any concerns or issues relating to parental responsibility to EHE, please refer to chart 5 and contact [eheshampshire@hants.gov.uk](mailto:eheshampshire@hants.gov.uk) for further advice if necessary.

## 2. Informing Hampshire County Council

Schools must notify HCC EHE team of any child being removed for EHE at a non-standard transition time. Please refer to chart 2.

## 3. Phase transition times

It is essential that HCC knows about the education of all children in the area. Schools are requested to notify HCC about any child leaving school at a standard transition point if they are known not to be continuing education in another school or if they do not take up a place a destination school. Please refer to chart 6.<sup>1</sup>

## 4. EHE Team actions

When HCC is notified that a child will be home educated, the EHE Co-ordinator writes to parents offering an appointment with EHE Visitors and reminds parents of their responsibilities under the Education Act 1996. The team provides a feedback form enquiring about the provision the child is receiving. If HCC becomes aware a child is at risk of not receiving suitable education, we work to contact the parent offering a supportive home visit and requesting information about the education provision. We follow the 2019 DfE Guidance regarding this process and potential School Attendance Orders. For further information please refer to our website:

<https://www.hants.gov.uk/educationandlearning/educationinclusion/service/electivehomeeducation>

## 5. Written notification from parents of the decision to EHE

When parents have decided to remove their child from school for EHE, they are not required by law to provide written notification to schools. However, it is in their interest to do so; if parents fail to inform the school, they are at risk of prosecution for their child's not-attendance, even if suitable education is being provided at home. This situation occurs because legally the school cannot remove the child from roll without written notification that the parents have elected to educate their child at home.<sup>2</sup> The letter must explain that the parents are taking responsibility for the child's education. A signed letter from the parent is advisable – either electronically (e.g. PDF from a confirmed email address) or by post. Email is acceptable where the parent corresponds from a known email address. **The school must not write the letter for parents or use a school template or suggest the parent removes their child from roll.** Helping a parent with a letter could be construed as the school requiring or

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<sup>1</sup> DfE EHE Guidance for Local Authorities s4.7

<sup>2</sup> DfE EHE Guidance for Local Authorities s4.6

encouraging the child to be EHE. If parents are unable to write a letter, please contact the EHE Co-ordinator.

Many parents may have a genuine philosophical preference for EHE, in which case refer them to the HCC website, reminding parents to inform the school in writing.

#### **6. Attendance issues or Emotionally Based School Avoidance.**

Where pupils have a poor attendance record or are facing legal action or referral for Attendance Legal Panel, this may prompt an EHE decision from parents. **EHE should not be suggested as a solution to attendance issues.** [EBSA-good-practice-guidance.pdf](https://www.hants.gov.uk/sites/default/files/2019/07/EBSA-good-practice-guidance.pdf) ([hants.gov.uk](https://www.hants.gov.uk))

#### **7. Flexi-schooling**

Flexi-schooling is an arrangement where, following a formal request from parents or carers and with the approval of the school, a child spends some part of the week attending school and the rest of the week being educated at home or at an off-school site.

#### **8. CiC/LAC, CPP, safeguarding concerns and EHE**

Please refer to chart 4 as either the Virtual School Headteacher or Social care teams have to be consulted if there is a request to EHE certain groups of vulnerable children and young people.

#### **9. EHCP and EHE**

If notification of the intention to home educate is received from a parent of a child with an EHCP, please refer to chart 3.

#### **10. Children at special schools and EHE**

If the child is on roll at a special school and notification of the intention to EHE is received, please note HCC is required to give permission before a child can be removed from roll. Please refer to chart 3.

#### **11. After a child has left the school**

Schools can consider what information they may wish to share with the parent about the child's education to date. The following, depending on the age of the child, may be useful: KS4 subjects, exam boards, curriculum covered, curriculum strengths and areas for development. Further information and support for schools is available on the HIAS Moodle (Inclusion, Exclusion and EHE tab).

#### **12. EHE or flexi schooling concerns**

If a school has a concern about a child who is currently being EHE or flexi-schooled, or whose family is considering EHE or flexi-schooling, please contact EHE Co-ordinator, Charlotte Postle. Queries regarding risk of permanent exclusion can be contacted on 01962 876311 and reduced hours timetables on 0370 779 0787.

#### **13. Attendance concerns and queries**

For queries regarding attendance please consult the guidance documents then contact [attendance.queries@hants.gov.uk](mailto:attendance.queries@hants.gov.uk) as necessary.

#### **14. Children Missing Education**

If a child is on roll but missing, schools must refer to the DfE Guidance – Children Missing Education: Statutory Guidance for Local Authorities [Children missing education - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404207/Children_missing_education_-_GOV.UK.pdf) and <http://documents.hants.gov.uk/childrens-services/HIAS/childrenatriskofmissingeducation.pdf> Hampshire's CME officer contact: [CME@hants.gov.uk](mailto:CME@hants.gov.uk)

#### **15. Safeguarding children – website link**

<https://www.hants.gov.uk/educationandlearning/safeguardingchildren>

## 16. Keeping Children Safe In Education (KCSIE)

[Keeping children safe in education 2023 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714147/keeping-children-safe-in-education-2023.pdf) s.178 says: Where a parent/carer has expressed their intention to remove a child from school with a view to educating at home, we recommend that LAs, schools, and other key professionals work together to coordinate a meeting with parents/carers where possible. Ideally, this would be before a final decision has been made, to ensure the parents/carers have considered what is in the best interests of each child. This is particularly important where a child has special educational needs or a disability, and/or has a social worker, and/or is otherwise vulnerable. Where a child has an Education, Health and Care plan local authorities will need to review the plan, working closely with parents and carers. Contact [eheshampshire@hants.gov.uk](mailto:eheshampshire@hants.gov.uk) to see if an LA representative is available to attend the meeting and advise parents to contact the EHE team.

## 17. Ofsted

Ofsted says leaders should 'not allow gaming or off-rolling' (there is no legal definition of 'off-rolling'; however, we define 'off-rolling' as the practice of removing a learner from the provider's roll without a formal, permanent exclusion or by encouraging a parent to remove their child, when the removal is primarily in the interests of the provider rather than in the best interests of the learner – off-rolling in these circumstances is a form of 'gaming')<sup>3</sup>

## 18. Return to LA provision

When a parent chooses to end elective home education and opts for LA provision, the LA will assume responsibility under their section 19 duty if the Child or young person (CYP) is considered medically unwell. Where the CYP is cited to be medically unwell, the LA will seek supporting medical information. The LA will act on the parents' request for LA provision once the parent has made their wishes clear to the LA, and will be dated and recorded by the relevant team for example EHE or SEN.

The LA will support the family in seeking a place in a suitable LA provision and will liaise and support the family in accessing this provision. In the cases where a family does not willingly engage with a suitable offer made, the LA will draw upon the legal processes in place to challenge non-attendance, this may include a referral to the Legal Intervention Team.

The relevant team will record the wishes of the family and will direct the family concerned to the LA Admissions team, to support their application to a school. This is in accordance with the In Year Admissions Process and where necessary uses the Fair Access Policy (FAP). In the case of a CYP with an EHCP the SEN team will be involved.

**The following flow charts address procedural questions** but if you have further queries or concerns, please contact the EHE Co-ordinator.

The school must keep records in accordance with current retention regulations.

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<sup>3</sup> [Education inspection framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/714147/education-inspection-framework-2021.pdf)

## Chart 1 – Parents inform the school they want to home educate because they are dissatisfied with the current school

**School has the responsibility to work with parents to resolve any mutual concerns. The goal should be to establish the best possible outcomes for the child.**

We expect schools to have a positive working relationship with parents. If the school receives notification from parents to EHE HCC and DfE guidance in KCSIE recommend offering a meeting with parents to discuss any problems – please contact HCC EHE to see if an HCC official has the capacity to attend. The law makes it clear that upon receipt of a letter from parents clearly stating they wish EHE then the school should remove child from the school roll immediately. Please refer to further guidance and support materials on the HIAS Moodle (Inclusion, Exclusion and EHE tab)

**The parents agree to attend the meeting and a solution is found that does not involve EHE**

The child continues on roll and evidence of the meeting is recorded in the pupil file.

The school might set up a specific plan for the child/parents/carers and agree a review schedule.

**If parents refuse to attend a further meeting:**

1. The school should acknowledge the letter from parents/carers and follow points 2-4 in the box to the right.
2. Encourage parent to call EHE team for information about EHE
3. If the school was notified via a 'phone call, this is not legally compliant. Absence without written notification of EHE would be unauthorised and the child must remain on roll whilst the school follows the usual procedures for non-attendance at school.

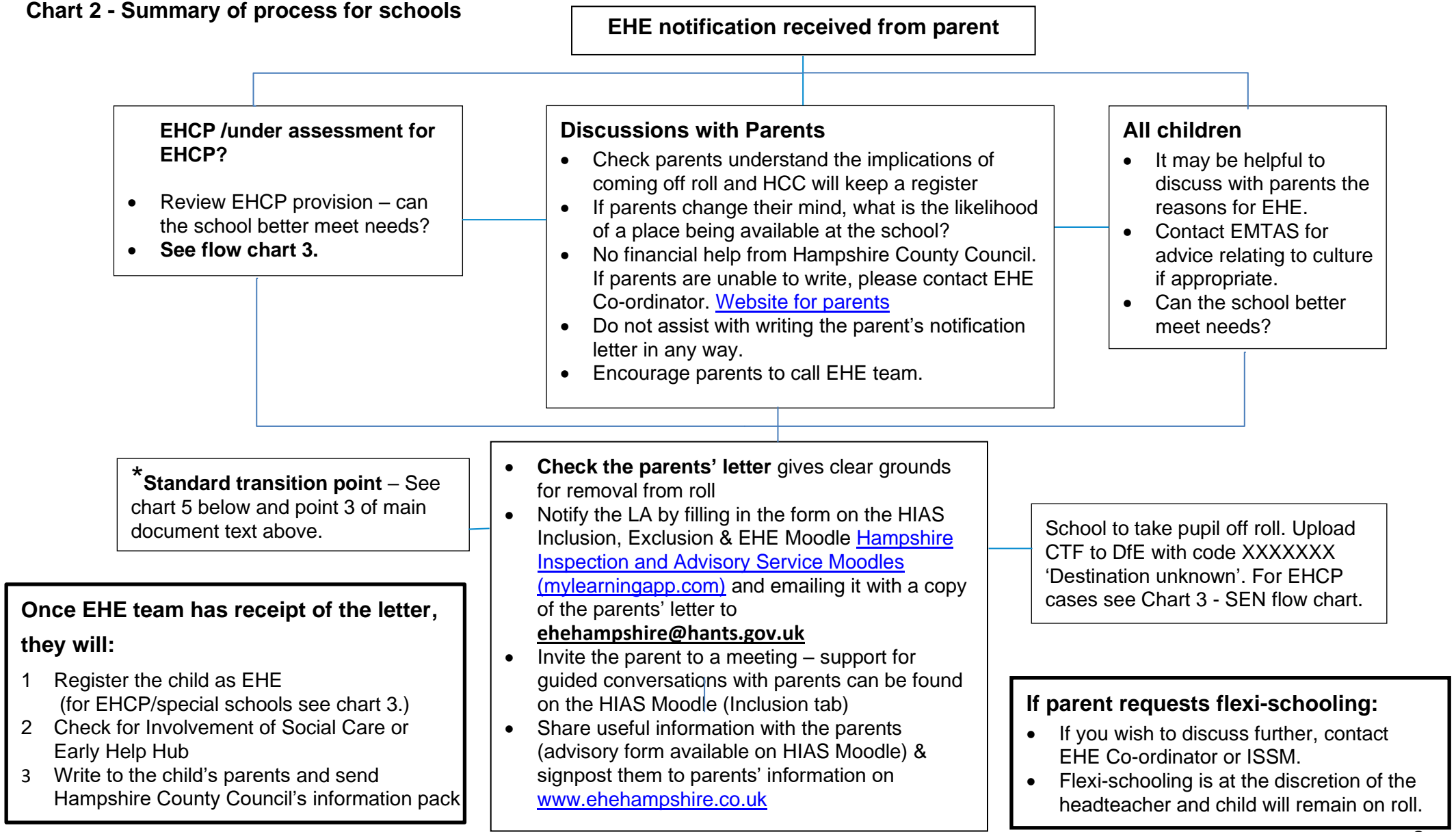
**If the parents agree to the meeting but at the end no mutual solution is found and parents elect to home educate:**

- 1 Parents must put their request in writing before the child can be removed from roll. This is a legal requirement. A signed letter is preferable.
- 2 The school must notify the LA by filling in the form on the HIAS Moodle (EHE tab) and emailing it with a copy of the parents' letter to [eheshampshire@hants.gov.uk](mailto:eheshampshire@hants.gov.uk)
- 3 Check parents understand the implications of coming off roll and HCC will keep a register (**The school should have no part in writing the parent's letter as this could be construed as the school persuading parents to EHE**) Guidance for discussions can be found on HIAS Moodle (EHE tab)
- 4 See chart 2.
- 5 Refer parents to [Website for parents](#)

**Once EHE Team has receipt of the letter they will:**

- 1 Register the child as EHE.
- 2 Check for involvement of Social Care or Early Help Hub
- 3 Write to the child's parents and send Hampshire County Council's information pack

Chart 2 - Summary of process for schools





### Chart 3 - EHE notification but the child has an Education, Health and Care Plan or is under Assessment

**Schools have the responsibility to work with parents to resolve any mutual concerns. The goal will be to establish the best possible outcome for the child.**

We expect schools to have a positive working relationship with parents. If the school receives notification from parents HCC and DfE guidance in KCSIE recommend arranging a meeting with parents and liaison with SEN Service. The parent must put their EHE request / notification in writing. **The school should have no part in writing this letter as this could be legally challenged.**

#### **Child has an EHCP and has a mainstream school placement**

1. The school must notify the EHE team and notify their local SEN Team and remove child from roll.
2. Encourage the parent to contact the EHE team
3. Also refer to Chart 2.
4. The EHE team will liaise with SEN Team.
5. The EHE team write to the parents with an information pack and undertake a safeguarding record check.
6. An Annual Review will be held within one school term.
7. Ensure parents understand a change of placement back to a school would require Annual Review process.

#### **Child has an EHCP and has a Special School placement**

The child cannot be removed from the school roll without permission from the LA – SEN Officer

1. The school must send a copy of the letter to [eheshampshire@hants.gov.uk](mailto:eheshampshire@hants.gov.uk) and the SEN team. Please notify the parents that LA permission is required. **Do not take the child off roll.** The EHE team will liaise with SEN Team and check safeguarding records.
2. The EHE team writes to the parents with an information pack.
3. SEN Officer will make a decision and inform the EHE team, parents and school. An Interim/Annual Review will be held within one school term.
4. If / when the LA (SEN Officer) agrees the child can be removed from roll for EHE the school removes the child from roll, child is registered EHE.

#### **Last stage and ongoing work– mainstream or special school**

- Where the LA is satisfied the parents have made suitable arrangements the EHCP will name the type of placement the LA considers appropriate but the EHCP will state the parents have decided to make their own arrangements under S.7 of the Education Act 1996. SNO amends the database school placement to 'Elective Home Education'.
- The EHCP will be maintained with Annual Reviews as appropriate. The Annual Review process continues to monitor the arrangements made by parents and the child's progress
- SEN Officer must be satisfied the arrangements made by parents are suitable, if not the LA will consider taking appropriate action.

#### Chart 4 - EHE notification but safeguarding concerns, child is Looked After (CIC) or subject to Child Protection Plan or CIN plan

**School has the responsibility to work with parents to resolve any mutual concerns. The goal is to establish the best possible outcomes for the child.**

We expect schools to strive towards positive working relationships with parents. If the school receives notification from parents to EHE we recommend arranging a meeting with parents – contact the LA to see if there is capacity for a member of the EHE team to attend. The meeting may be a follow-up to previous meetings. The law makes it clear that upon receipt of a letter from parents clearly stating they wish EHE then the school should remove child from the school roll immediately. Hampshire, as the corporate parent for LAC, does not approve EHE for these children. see Chart 5.

The school will follow up on all safeguarding concerns for all pupils on roll. Elective home education is not, in itself, a safeguarding risk but if the school has safeguarding concerns they should follow normal procedures.

Web page: <https://www.hants.gov.uk/educationandlearning/safeguardingchildren>

The Virtual School Head Teacher is the educational advocate for **looked after children**.

Looked after children **cannot** be electively home educated without the agreement of the Local Authority (via the Virtual School Headteacher) as Corporate Parent for that child.

If parents/carers wish to EHE and the child is supported through either a **Children in need or Child Protection Plan** the school should inform Social Care and the EHE teams immediately. The Social Care Team will determine if any additional action is necessary.

Where a child is supported by a **Family Support Worker the Early Help Team** may call a team around the child (TAC) meeting.

Where **concerns have been identified** about the child's welfare (either by the school or by a local authority officer), these should be referred to Children's Social Care, and other services as appropriate.

A school should report any safeguarding concerns via [Contact Children's Services | Children and Families | Hampshire County Council \(hants.gov.uk\)](https://www.hants.gov.uk/contact-childrens-services) for any child even if they are no longer on roll at the school.

## Chart 5 - EHE notification – parental responsibility issues – decision to EHE

### **If the school is informed by a parent that is separated/ divorced:**

The school can accept a request to EHE made by one parent. We recommend the school advises the parent to discuss this with the child's other parent/carers; and they can be invited to any meeting. The school cannot be responsible for mediating between parents and if they cannot mutually agree then the parent(s) will need to seek a *Specific issue order* (Children Act 1989) in court if they are unhappy with this decision.

[DfE Parental Responsibility Guidance link](#)

### **If the school is informed by a foster carer they wish to home educate:**

The school needs to ascertain if the child is looked after (LAC/CIC). If so, Hampshire County Council has responsibility and the child must stay on roll. The County Council EHE team and social worker should be advised of the carer's request. However, if the child is LAC/CIC this is not a foster carer's decision to make. The Social Worker has this responsibility and parents may also maintain responsibility.

Please refer to DfE guidance on parental responsibility regarding people, other than parents, caring for a child.

[DfE Parental Responsibility Guidance link](#)

### **Once EHE team has receipt of the letter they will:**

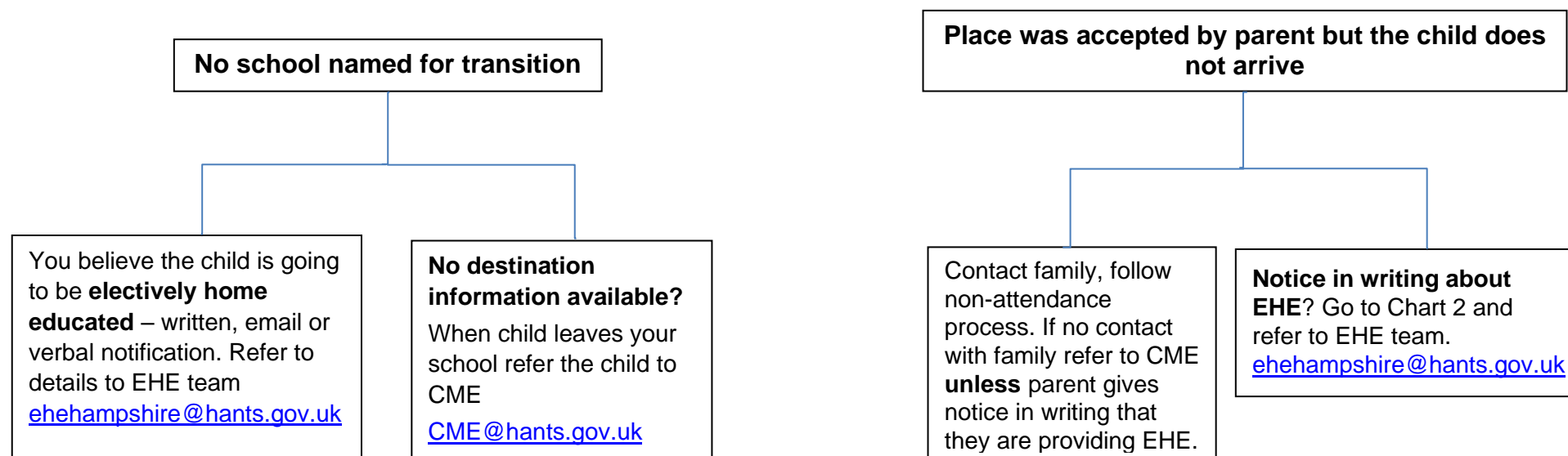
- Register the child as EHE.
- Check for Social Care or Early Help Hub involvement
- Write to the child's parents and send Hampshire County Council's information pack

## Chart 6 - No destination school at phase transition or child does not arrive

**Standard transition phases:** (Infant → Junior, Junior/Primary → Secondary)

(Post 16 transitions are not relevant for EHE because they are beyond compulsory school age)

DfE guidance asks LAs to gather information about children who leave schools at standard transition points if no school is identified (DfE guidance April 2019 s4.7) After reasonable efforts have been made to establish the education destination of a child at a standard transition point and there is no known school, please act as follows.



If a child is **on roll but missing**, schools must refer to the DfE Guidance – Children Missing Education: Statutory Guidance for Local Authorities [Children missing education - GOV.UK](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401207/Children_missing_education_-_GOV.UK.pdf) and <http://documents.hants.gov.uk/childrens-services/HIAS/childrenatriskofmissingeducation.pdf>