

Practitioner Guidance when working with children who are electively home educated



This guidance has been written to assist in practice when practitioners are working with children/young people who are electively home educated. It is informed by:

- [Education Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1996/56)
- [Education Act 2002 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2002/26)
- [One minute guide: elective home education \(leeds.gov.uk\)](https://www.leeds.gov.uk/education/one-minute-guide-elective-home-education)
- [Elective home education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/elective-home-education)
- [elective-home-education-guidance.pdf \(trixonline.co.uk\)](https://www.trixonline.co.uk/elective-home-education-guidance.pdf)
- [Leeds for Learning](https://www.leeds.gov.uk/learning)

The key aims of the guidance are to ensure that:

- Professionals working with children and young people who are electively home educated have a good understanding about what elective home education looks like, and that the education the child/young person is receiving meets their needs
- To ensure that plans are reviewed regularly with specific information included with regards to education particularly when children/young people are not attending mainstream education

Best Practice

What is elective home education?

Elective home education is a term used to describe a choice by a parent/carer/ a person who has parental responsibility for a child to provide education for, at home - or at home and in some other way which they choose - instead of sending them to school full-time. ***This is a legal right under Section 7 of the [Education Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1996/56)***

Elective home education is different to home education arranged by a school or Local Authority, such as home tuition for children too unwell to attend school. Parents who choose to educate their child via elective home education, rather than sending the child to school full-time, will take on financial responsibility for the cost of doing so.

There is a **Legal duty on parents/carers**: to arrange suitable education for their children. *Education is compulsory; registering with a school is not.*

The parents' legal duty is set out in Section 7 of the Education Act 1996 as follows:

“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/she may have, either by regular attendance at school or otherwise.”

Flexi-schooling is not classified as Elective Home Education as for this to be in place, a child must be on roll at a school. This can only be arranged with the school and the school is not obliged to agree to flexi schooling. The local authority has moral and social obligations to ensure that a child is safe and being suitably educated.

What factors need to be considered?

There is a **duty on a school to notify the elective home education team** of children who are withdrawn from school for the purpose of elective home education, but there is no duty (currently) on parents to inform the local authority.

It is not the responsibility of parents under **Section 436a of the [Education Act 1996 \(legislation.gov.uk\)](#)** to 'prove' that education at home is suitable. However, the vast majority consider it sensible to do so. Leeds Elective Home Education officers may only enter the family home at the invitation of the parents. **The parent is under no legal obligation to agree** to this simply to satisfy the local authority as to the suitability of home education.

There are **no powers** under the Education Act for local authorities to have a right of entry to the family home to check that a suitable education is being provided.

What are the key processes?

The Local Authority has a duty to ascertain whether the child is receiving suitable, efficient, and full-time education, and that this function is carried out with a view to safeguarding and promoting the welfare of the child. Leeds City Council, along with other Local Authorities, have two duties relating to children:

- Under section 175 (1) of the [Education Act 2002 \(legislation.gov.uk\)](#), the Local Authority must safeguard and promote the welfare of children and "make arrangements for ensuring the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children".
- Under Section 437(1) of the [Education Act 1996 \(legislation.gov.uk\)](#) local authorities must make arrangements to identify children in its area who are not receiving suitable education.

De-registration from Mainstream Education

Registration is currently not a legal obligation for either parents or local authorities. In Leeds however, we offer a voluntary registration scheme. If parents/carers feel pressurised to deregister their child from a school role then they should discuss this with the Elective Home Education Service.

If a parent/carer de-registers a child/young person from school, the school should send the notification to the Local Authority. If the child/young person has a Child Protection Plan, a Child in Need (CIN) Plan or a Child Looked After (CLA) Plan, the school should also notify the child's social worker and the Virtual School.

- The elective home education officer will make initial contact to the parents/carers within **10 working days** through phone call, letter, or email
- Regular follow ups will take place by letter/phone call, email, and visits to secure information about 'suitable, efficient and full-time education'
- If there is no response from a parent/carer after 12 weeks from date of initial enquiry from the EHE officer (or are safeguarding concerns raised prior to that), the Local Authority may intervene and refer to the Children and Families School Attendance Service.

Children/Young People who have an Education Health Care Plan (EHCP)

If an Elective Home Educated child/young person has an Education Health Care Plan (EHCP), the Education Health Care Plan casework officer will be the Elective Home Educated officer.

Parents of children/young people who have an Education Health and Care Plan (EHCP) who have attended a Specialist Inclusive Learning Centre (SILC), becoming home educated should lead to an update of the plan and ongoing annual reviews of the EHCP.

What is my role as a Social Work Practitioner?

Parent/Carer express they are electively home educating their child or want to start electively home educating

Social Worker provides the parent/carers with the 'Elective Home Education Service Parent/Carer Guide' and contacts the Elective Home Team to see if they are known to the team or not Tel: 0113 3785028 or email EHE@leeds.gov.uk

When undertaking a Child and Family Assessment or gathering information regarding elective home education, the social worker should complete the 'EHE Learning Information Form' alongside the parent/carers to gain an understanding with regards the education being provided at home

The Elective home education officer will identify and share information with the social worker and family about the education provision being provided

The Social Worker or Elective home education officer should notify the virtual school on tel: 0113 378 1469 or email virtualschool@leeds.gov.uk if a child/young person becomes electively home educated

The Social Worker will ensure that the Elective home education officer is invited to attend all multiagency meetings (Child in Need, Core Groups, Child Looked After Reviews) and that education is included within the plan with clear actions and outcomes and that these are reviewed during each meeting

If the Elective home education officer identifies that the child is not in receipt of a suitable education, this will be addressed within multiagency meetings or a separate family meeting

The Social Worker and Elective home education officer will work together to support the provision of suitable education

If it is identified that professionals are not satisfied with the regards to education provided, the Local Authority can apply for a School Attendance Order under Section 437(3) Education Act 1996. The order will require the child's parents to register the child at a named school

Where can I get further information and who can I contact?

- EHE Team: either telephone 0113 378 5028 or email EHE@leeds.gov.uk
- Children Missing out on Education & exclusions monitoring lead (Attendance, CME, EHE, Exclusions, MNTS, PTT) telephone 0113 378 3385
- If child has an EHCP, contact EHCP casework officer
- SENSAP Team: The SENSAP Team is the local authority's Special Educational Needs Statutory Assessment and Provision team, you can contact them by email at: sensap@leeds.gov.uk or by phone on 0113 378 5256.

Useful links

- [learning-information-form.docx \(live.com\)](#)
- [elective-home-education-guidance.pdf \(trixonline.co.uk\)](#)
- [learning-information-form.docx \(live.com\)](#)

About the Document			
Title	Practitioner Guide to Elective home education		
Purpose	Professionals working with children and young people who are electively home educated have a good understanding about what elective home education looks like and that the education the child/young person is receiving meets their needs		
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Approved by	Donna Williams	Date approved	March 2024
Frequency of Review	Annually		