

Elective Home Education Policy

Revised 2025

Contents

1. Policy Statement
2. Introduction
3. The law and EHE
4. Parental Rights and Responsibilities
5. Schools Responsibilities
6. The Local Authorities Responsibilities
7. Wirral Borough Council's arrangements.
8. Safeguarding
9. Children with Special Education Needs
10. Looked after children
11. Appendix A – EHE Guidance for Parents
12. Appendix B – Primary and Secondary Resources
13. Appendix C – Pathway for children to be removed from specialist settings
14. Appendix D – Information for parents about EHE
15. Appendix E – EHE Processes

1. Policy Statement

Wirral Borough Council (WBC) believe that education is a fundamental right of every child and aim to work in partnership with all parents to ensure that their children can achieve their full potential, whether they are educated at home or at school.

The Council recognises that parents have the right to home educate in line with Section 7 of the Education Act 1996. 2.7 of the Education Act 1996:

"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."

The Council wishes to ensure that parents who choose to home educate their children do so for the right reasons and are well prepared from the point they begin, which may be either from the decision not to send their child to any school or by the removal of their child from a school roll.

2. Introduction

2.1 This document outlines our policy and procedures to enable WBC to comply with our responsibilities and duties towards children living in our region whose parents have decided to educate them at home.

2.2. Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe a parent's decision to take full responsibility for the education of their child (of compulsory school age) instead of sending them to school.

2.3 EHE is different to home tuition and education other than at school provided by the local authority (LA). Children educated at home are not registered at mainstream special or independent schools, academies, alternative provision settings, full-time college courses or children's homes with education facilities.

2.4 EHE is different to flexi-schooling arrangements, which may be agreed to at the discretion of the headteacher of the school where the child is on roll. However, children who are flexi schooled fall under the remit of the school and the EHE Team.

2.5 As stated in the DfE Guidance for parents, educating children at home 'works well when it is a positive choice and carried out in a way that meets the needs of your child'. We recognise that there are many approaches to educational provision and that what may be suitable for one child will not be for another, but all children should be involved in a learning process.

2.6 In line with the DfE guidance for LA's, this policy and our own procedures seek to build improved relationships with home educators, to ensure that all children resident in Wirral are in receipt of a suitable education and to provide a means of effectively protecting the educational and safeguarding interests of children where vulnerabilities are identified.

2.7 This document sets out:-

- Parents' rights and responsibilities if they choose to educate their children at home
- The responsibilities and statutory duties of the LA and schools in relation to children who are educated at home.
- WBC procedures in relation to EHE

3. The Law & DfE Guidance

3.1 The legal responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not. The law is set out in the European Convention on Human Rights and in the Education Act 1996.

3.2 Compulsory school age begins on the next prescribed day following a child's fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31st December, 31st March and 31st August each year. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach the age of sixteen.

3.4 Article 2 of the Protocol of the European Convention on Human Rights, 1953, 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 to ensure such education and teaching is in conformity with their own religious and philosophical convictions.'

3.5 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 to a) his age, ability and aptitude and b) any special educational needs he may have either by regular attendance at school or otherwise'.

3.6 An "efficient" and "suitable" education is not defined in the Education Act 1996 but has been described in case law (in the case of R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust 1986) as an education that 'achieves that which it sets out to achieve' and '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 life to adopt some other form of life if he wishes to do so.'

3.7 The DfE Guidance for parents, April 2019, makes a number of points in Section 2.10 'What is a Suitable Education', including:

- 'education must be age appropriate, enable the child to make progress according to his or her level of ability and should take account of any specific aptitudes'- even if there is no specific link with the National Curriculum or other external curricula, there should be an appropriate minimum standard which is aimed at
- 'education at home should not directly conflict with the Fundamental British Values as defined in government guidance - 'education may not be suitable (or efficient), even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which make it difficult to work' e.g. a very noisy environment - 'education may also not be deemed suitable if it leads to excessive isolation from the child's peers, and thus impedes social development' - 'it is likely to be much easier for you to show that the education provided is suitable if attention has been paid to the breadth of the curriculum and its content, and the concepts of progress and assessment in relation to your child's ability'.

Throughout this policy, 'parents' should be taken to include all those with parental responsibility, including guardians and care givers.

4. Parental rights and responsibilities

4.1 Parents may decide to exercise their right to home educate their child from a very early age and not enroll the child at a school. They may also elect to home educate at any stage up to the end of compulsory school age and may continue post 16 in order for their child to participate in education and training until the age of 18.

4.2 We recommend that parents think carefully about EHE before they withdraw their child from a school. See the DfE Guidance for Parents, Section 3 for things to consider. EHE is unlikely to be suitable if parents withdraw the child from a school without a clear plan for what they intend to put in place instead.

4.3 We expect that all schools in Wirral will invite parents in for a meeting if they are aware of their intentions to home educate. It may be helpful to discuss such things as the child's strengths and any areas of support they may need, as well as if there are any unresolved issues which have led to the parent's decision.

4.4. Parents may also contact the EHE Team direct at ehe@wirral.gov.uk if they would like further information or advice. See also Appendix A for things parents should consider and Appendix B for links to useful websites.

4.5 If the child is attending a school, then parents should notify the headteacher, in writing, that they are withdrawing their child. They do not have to give a reason. However, as stated in the DfE Guidance, it would be sensible to do so, both to avoid any future misunderstanding about how they plan to fulfil their parental responsibilities and also to facilitate access to advice and support. Upon receiving the parental request a school should remove the child from roll - Pupil registration regulations 9.—(1) The proprietor of a school must ensure that the name of a pupil of compulsory school age is deleted from the school's admission register when— (f)a parent of the pupil has told the proprietor in writing that the pupil will no longer attend the school after a certain day and will receive education otherwise than at school and-

(i)that day has passed; and

(ii)there is no school attendance order naming the school in force in relation to the pupil.

4.6 Parents of a child not enrolled at a school have no current obligation to inform the LA that they are home educating. However, the DfE strongly recommends that they do so, both in order to access any support/advice that is available and also to ensure that their child is not mistakenly identified as not receiving a suitable education (DfE Guidance Section 4)

4.7 If the LA becomes aware of a child who is being home educated, we have a legal duty to get in touch to ensure that suitable provision is in place (DfE Guidance Section 5). We will offer a supportive visit which is not compulsory – we will allocate an EHE officer to the parent and make our annual enquiries shortly after initial contact.

4.8 Parents do not need to be qualified teachers to home educate and, as detailed in the DfE Guidance for parents, there is no requirement to teach the National Curriculum, match age-specific standards, observe schools' hours, days or terms, make detailed lesson plans, give formal lessons or reproduce school type peer group socialisation.

4.9 As is clear in the 1966 Education Act, Section 7, parents must however ensure that their child receives an efficient and suitable full-time education.

4.10 Learning may take place in a variety of settings, not just the family home e.g. museums, art galleries, sports venues, parks or in groups with other home educators. Parents can also choose to commission online courses, engage private tutors/other adults or register their child at a tuition centre to assist them in providing a suitable education. It is strongly recommended that parents ensure that they make appropriate checks on any settings that they use, as there may be no external assurance that they comply with basic standards such as vetting of staff and up-to-date policies and procedures around safeguarding children. Similarly, it is recommended that parents ensure that any tutors they employ are qualified and suitable, including whether they have a clear Disclosure & Barring (DBS) Service check and recent references.

4.11 Parents who home educate assume the full financial responsibility for their child's education. This includes the costs of learning resources, equipment, private tuition, courses and public examinations.

4.12 LA's do have a duty under the Education Act 1996 to establish whether home educated children are receiving efficient and suitable fulltime education and the DFE Guidance for Parents is clear that it would be sensible for parents to respond to enquiries:- 'if you fail to do so, or provide minimal information, it is highly probably that the local authority will conclude that it appears that your child is not receiving a suitable education' (Section 5.4)

5. School's Responsibilities

5.1 Sections 9(1) (f,) of The Attendance Regulations 2024 place a duty on head teachers to remove a child from roll when a parent notifies them of their decision to withdraw their child from the school roll. The headteacher has a duty to inform the LA of such removal. The Attendance Regulations 2024 Sect 13 When the name of a registered pupil, other than one within paragraph (5), is deleted from the admission register of a school the proprietor of the school must make a return to the local authority (a "deletion return") giving the following information about the registered pupil from the admission register—

(a)full name;

(b)address;

(c)the full name and address of any parent the pupil normally lives with;

(d)at least one telephone number that each such parent can be contacted with in an emergency;

(e)the information entered in the admission register in accordance with regulation 8(3), if any;

(f)the information entered in the admission register in accordance with regulation 8(4), if any;

(g)which of the circumstances listed in regulation 9(1) or (3) are the basis for the deletion of the registered pupil's name.

5.2 Schools, including academies, special and independents, should follow WBC's off-rolling procedures and forward EHE documents, written notification from the parents and other supporting information such as SEND plans and school reports. In addition, the school should complete a deletion from roll form and send it to the Attendance Team. The child should be deregistered immediately after receipt of notification of the parent's intention to home education.

5.3 Schools will be asked to share with EHE Team officers any recent concerns or risks they are aware of that may impact on the suitability of home education. Whilst we are clear that Elective

Home Education is not a safeguarding concern, the expectation is that, if schools are aware of any issues and have any concerns, they will have previously made efforts to support the family e.g. through Early Help and through Social Care.

- 5.4 If the child is on the roll of a special school, their name may not be removed from the school register without the LA's consent. This does not remove the right of a parent to home educate. It remains the duty of the LA to ensure that the child's special educational needs are met if parents choose to home educate. Appendix C – Pathway for requests of children at a specialist setting.
- 5.5 There is no legal requirement for parents to discuss home education with the school, but when a parent informs the school of their intention, schools should respond positively and constructively. If it is helpful, schools could signpost parents to sources of information around EHE, including the EHE Team to enable them to make an informed decision; attached to this policy is an advice for parents note Appendix D. This is particularly important if it appears that the decision to home educate may be related to a dispute with the school e.g. regarding attendance, behaviour or alleged bullying. It would be helpful if the school invites the parents and, if appropriate, the child to discuss the decision and take all necessary steps to resolve any issues. Parents' attendance at such a meeting should be entirely voluntary. The EHE Team can provide further information to both schools and parents and can be contacted by emailing ehe@wirral.gov.uk.
- 5.6 Schools must not seek to persuade parents to educate their child at home as a means of avoiding exclusion or because of poor attendance. This is known as 'off rolling' and is unlawful. See 3.4 and 3.5 of the DfE Guidance for Parents.
- 5.7 If the child is registered at a school as a result of a school attendance order (SAO), the parent must obtain the permission of the LA on the grounds that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be removed from the school's register and educated at home.
- 5.8 Schools should retain the child's school file. Parents can request a copy of this in order to assist with planning their children's education.
- 5.9 If EHE is considered unsuitable, the expectation is that the child will return to their former school, either through the Fair Access Protocol (FAP) or through the statutory EHC Plan arrangements. If the child has not previously attended a school, the parent can apply to a school/s of their choice and an appropriate offer will be made.

6. The Local Authority's Responsibilities

- 6.1 The LA has a statutory duty under Section 436 (A) of the Education Act 1966 to make arrangements to enable us to establish (so far as it is possible) the identities of children of compulsory school age in their area who are not receiving a suitable education.
- 6.2 The LA has a statutory duty under Section 437(1) of the Education Act 1996 to intervene if it appears that a parent is not providing a suitable education to the age, ability, aptitude and special educational needs of the child. This section states that: 'If it appears to a local 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.' If evidence of a suitable education is not received, the LA may then commence statutory action, including the issuing of a School Attendance Order (SAO), penalty notices and fines.

6.3 The LA has no legal power to monitor home education on a routine basis, although it does have a duty to make enquiries if it is not clear that a child is receiving a suitable education. In line with the DfE Guidance, the WBC process is to engage with new home educating families and then at least annually.

6.4 The LA, in partnership with other agencies, including Social Care and Health, has a statutory duty to safeguard and promote the welfare of all children resident in Wirral under Section 175 (1) of the Education Act 2002 and under the statutory guidance 'Working Together to Safeguard Children', (December 2023).

6.5 The LA monitors trends in EHE in a wider strategic context and has a key role in identifying any shortcomings in local school provision and in challenging failures by schools to manage attendance and behaviour properly.

6.6 The LA is monitored by Ofsted, which looks at the way that LAs identify children who may not be receiving a suitable education and what steps they take to deal with this. Information about any upcoming inspections and any input home educators can have will be shared by the EHE team via informative emails.

7. Wirral Borough Council arrangements

7.1 Responsibility for monitoring the welfare and progress about children electively home educated in Wirral is with the Council's Attendance Service. In such circumstance, once notification has been received that the child is being home educated, the child's name is then removed from the school roll and placed on the Elective Home Educated register which is regularly monitored and updated by Wirral's Attendance Service.

7.2 The Attendance Service will ensure checks are made with Social Care and other agencies as appropriate to ensure that a full understanding of the child's circumstances can be ascertained.

7.3 The Senior Locality Attendance Officer EHE Lead Officer, will arrange to visit the parent/s to discuss with them and the child / young person the reason for choosing to electively home educate and clarify plans. A written report will be produced and sent to the parent – this is the EO1 document. Such visits are not compulsory but are informative and non-judgmental.

7.4 Following the initial visit, an Elective Home Education Monitoring Officer will undertake a visit within 3 - 6 months depending, in some cases this may be up to 12 months where there is a robust home education plan in place. This visit will inspect the work completed by the child/young person and find evidence of progress.

7.5 A further monitoring visit will then take place on an annual basis by the Elective Home Education Monitoring Officer.. The Elective Home Education Monitoring Officer will prepare a report to summarise the progress and work being undertaken by the child. This report will be sent to parents within 14 days of the visit. -

7.5 If education progress is deemed to be unsatisfactory at this stage, the Elective Home Education Monitoring Officer will make recommendations on how the provision could be improved and then arrange to visit within 6 weeks. If Wirral Attendance Service is not satisfied that home education is suitable etc. but does not believe that it is expedient for the child to attend school, then Wirral will provide sources of advice / support.

7.6 If despite the extended period Wirral Attendance Service is still not satisfied that the child's

education is suitable, Wirral Attendance Service and the parent can agree to return the child to school without the need of a school attendance order. Alternatively the Wirral Attendance Service may look to serve a School Attendance Order on the child's parents if the informal steps are not successful. Appendix E highlights the processes involved.

7.7 A parent has the right to decline an in person meeting and show a suitable education by other means. However, if a parent refuses an initial visit from the Attendance Service or subsequent Education monitoring visits, we may consult with other agencies including Integrated Front Door, Social Care and Health if we have concerns around the child and safeguarding.

7.8 Half-termly meetings are held where the children/young people on the EHE register who are cause for concern are discussed with the School Nurse Service and the Elective Home Education Monitoring Officers, and appropriate action is decided.

7.9 The list of children who are electively home educated are included on the 'EHE register' and this includes details of those children who are in CP/CIN and those who have EHCP / SEN support.

7.10 Where children are known to Social Care, the Senior Locality Attendance Offer / Lead Elective Home Education Officer or Elective Home Education Monitoring Officer may attend Case conferences, CP reviews and CIN meetings for any child on the EHE register who is subject to these meetings.

8. Safeguarding

8.1 Wirral Borough Council recognises that the welfare and protection of all children is essential and a paramount concern for all. As within s. 175 of the Education Act 2002, Wirral Borough Council has a duty to make arrangements to ensure that the functions conferred on them are undertaken with a view to safeguarding and actively promoting the welfare of all children and young people who reside within Wirral.

8.2 Where there are concerns about a child's education, Wirral's Attendance Service will contact the Integrated Front Door when circumstances are justified under s. 437(1) of the Education Act 1996. The Senior Locality Attendance Offer / Lead Elective Home Education Officer will detail the welfare concerns to the parent in accordance with procedure.

8.3 In the event of any welfare concerns for a EHE child, Wirral's Attendance Service will initiate and follow established safeguarding procedures.

9. Children with special educational needs (SEND)

9.1 Parents have the right to educate their child at home, including children with SEN, as detailed under s.7 and 19 of the Education Act 1996. Home education must be suitable for the child's SEN.

9.2 Parents have the right to request an EHCP assessment. Parents have the right to appeal any decision. More information is available via the Wirral Local Offer Website.

9.3 Wirral Borough Council, under s. 22 of the Children & Families Act 2014, do not have duty to assess every home educated child to identify whether or not they have SEN.

9.4 Where a child is allocated to a specialist school setting the Local Authority SEND team will need to agree to a removal from roll. The school should still follow due process and complete the appropriate

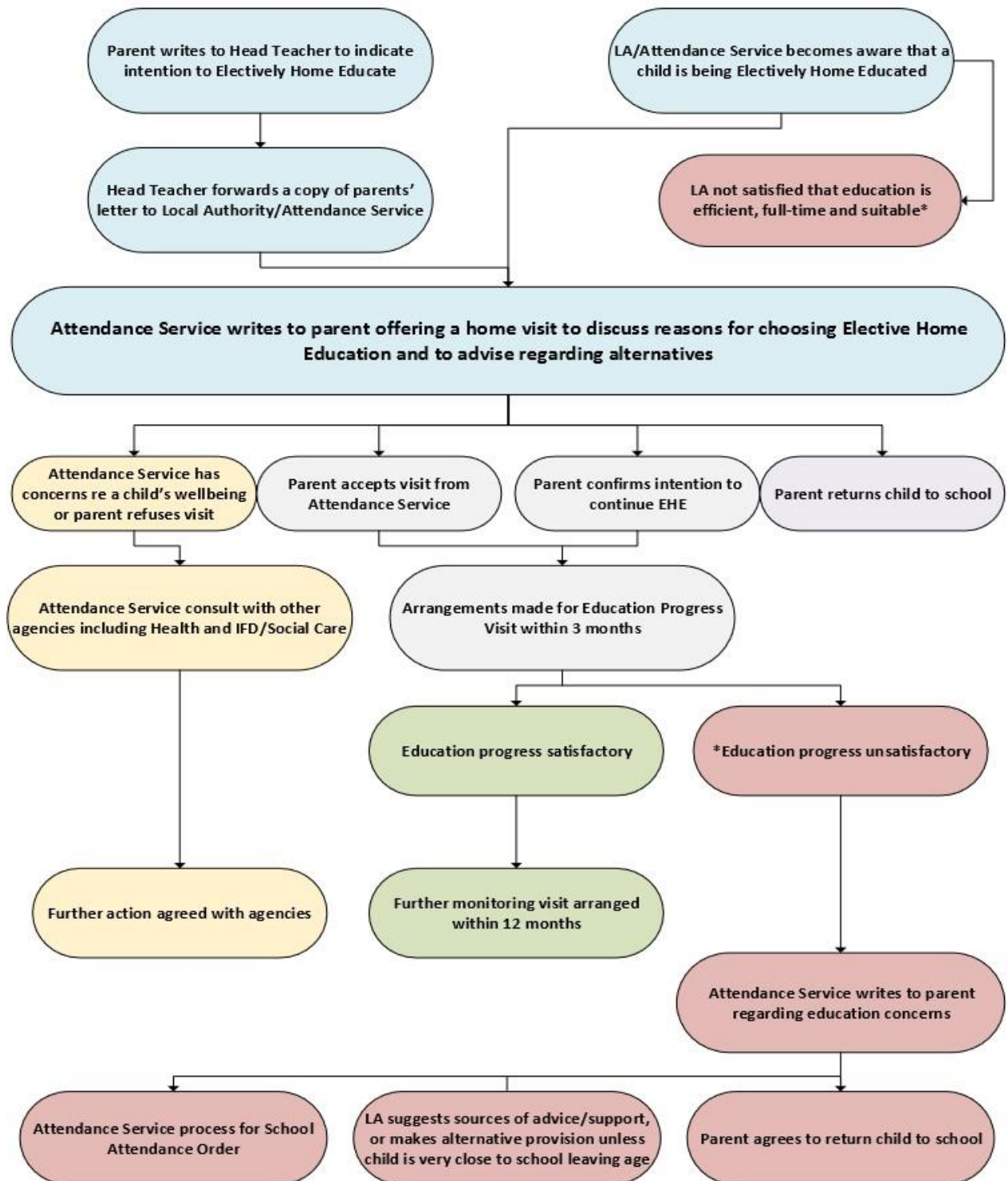
paperwork - notification form and send to the EHE team. Upon receipt of the email the EHE Lead will liaise with the Out of Borough Team Manager. The SEND team will consider the request, bring to panel and advise the EHE Lead regarding the outcome. Appendix C - Proposed process for EHE and children at specialist settings.

10. Looked After Children (LAC)

10.1 Advice will be obtained from the Social Care team and the Virtual Head about educational progress where children are in care.

APPENDIX E – EHE Processes

Elective Home Education Flowchart



Process letters for already EHE (annual visits)

