Suffolk County Council

Children and Young People Services

Elective Home Education (EHE) Procedures

Should you wish to contact the Elective Home Education team please email the EHE Business Support Officer at ehe@suffolk.gov.uk

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1. Introduction

1.1. Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe parents' decisions to provide education for their children at home instead of sending them to school. This is different to, and should not be confused with, Home Tuition or Education Other than At School (EOTAS), which is education provided by a Local Authority (LA) for pupils who, for a variety of reasons, are unable to attend school. Such education is organised by the LA and is monitored against the same measures that are used in schools.

1.2. The purpose of this document is to outline the legal position and Suffolk County Council's (SCC) procedures relating to EHE of children/young people of compulsory school age.

1.3. These procedures have been drafted within the context of the following:

- Elective Home Education: Departmental guidance for local authorities (DfE, April 2019)
- Elective Home Education: Departmental guidance for parents (DfE, April 2019)
- Children Act 2004
- Education Act 1996
- Education Act 2002
- Children and Families Act 2014
- Working Together to Safeguard Children (DfE, September 2023)
- Information and Policies of other Local Authorities
- Children Missing Education: Statutory guidance for local authorities (DfE, September 2016)
- Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (DfE, August 2024)
- Working Together to Improve School Attendance (DfE, August 2024)
- Special educational needs and disability code of practice: 0 to 25 years (DfE, January 2015)
- 'Support for Home Education,' House of Commons Education Select Committee Report (Dec. 2012), Volumes I and II
- OFSTED Inspection Handbook (April 2024)
- UN Convention on the Rights of the Child 1989, articles 12, 29
- Case Law:
    - Phillips v Brown [1980]
    - R v Secretary of State for Education and Science Ex p. Talmud Torah Machzikei Haddass School Trust [1985]
    - R. (on the application of Goodred) v Portsmouth City Council [2021]
    - NN v Cheshire East Council [2021]

2. The law relating to Elective Home Education

2.1. The LA recommends that parents read both the LA and Parental guidance, the latest versions of which can be found at Elective home education - GOV.UK (www.gov.uk). These are the clearest summaries of the relevant law for EHE provided by the Department for Education (DfE), and this policy follows this guidance.

2.2. The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not. The vast majority of parents meet their statutory duty by sending

their children to school. A relatively small number of parents exercise their right to educate their children at home. In education law 'parent' is defined in Section 576 of the Education Act 1996 as:

- all natural (biological) parents, whether they have parental responsibility or not
- any person who, although not a natural parent, has parental responsibility for a child (this could be a stepparent, guardian or other relative)
- any person who, although not a natural parent, has care of a child. This is where they are a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child.

2.3. Section 7 of the Education Act 1996 requires that all parents have an equal duty to secure an appropriate full-time education for their children that is suitable for their child's age, ability, and aptitude, and to any special educational needs they may have. Parents can do this either by their child's regular attendance at school or *'otherwise.'* Some parents choose to do this by educating their child at home. In some cases, parents disagree as to whether home education is desirable or being provided properly. This is a private matter between the parents, and the local authority cannot take the side of any parent unless there is a Family Court order which limits the duties and/or responsibilities of a particular parent in respect of their child's education. However, this dispute would not remove the local authority's duties towards the child to ensure they are receiving a full-time suitable education. Therefore, if the parents cannot sort out the dispute between themselves, then the recommendation would be for the parents to seek independent legal advice.

2.4. Legislation does not define what an '*efficient*' and '*suitable*' education is. However, these elements have been considered in case law where '*efficient*' has been described as an education that *'achieves that which it sets out to achieve.'* A parent can be providing full time home education 'efficiently' but if this is not meeting the needs of the child, then it is not classed as *'suitable.'* Departmental guidance for local authorities (DfE, April 2019) states that a suitable education is one that '*enables 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.* Consequently, there are going to be a range of approaches that are possible, especially with respect to EHE, and what is efficient and suitable for one child is not necessarily going to be the same for a different child.

2.5. Home education should also not conflict with 'Fundamental British Values' as defined by the Government. For example, if it were to appear to advocate violence toward a particular group based on their race, religion, or gender, then the LA would not be able to regard that education as 'suitable.' However, there is no requirement on parents to actively teach or promote Fundamental British values in the same way as there is for schools.

2.6. EHE must contain some element of supervision, and case law has confirmed that, unless there are clear reasons why it is not possible for that child, for example due to a medical condition or disability, it is essential that it must include the child gaining the abilities of reading, writing and arithmetic (also known as 'functional literacy and numeracy').

2.7. There is currently no legal definition of what *'full-time education'* is. The DfE notes that children in mainstream schools normally receive teaching between 4.5 to 5.0 hours per day for approximately 190 days per year. The LA accepts that EHE can be varied and flexible, but education which is not occupying a significant proportion of the child's life (making allowance for holidays) will probably not be sufficient. Therefore, the LA would expect parents to be able

to provide an indication of the number of hours per week and weeks per year of the education being provided. This information will be used by the LA to help establish if the education being provided is full time and suitable.

3. Parental rights and responsibilities

3.1. Parents, as defined above, may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other time up to the end of compulsory school age. Parents are not required to register or seek approval from the LA to educate their children at home, except where the child has an Education Health and Care Plan (EHCP) which names a special school as the required placement, or where there is a school attendance order requiring the child to be educated in a named school. However, before deciding to commence EHE the LA does encourage parents to contact the EHE team so that information and a 'Parental Confirmation of Elective Home Education' form can be sent to them.

3.2. Where a child has been registered at a school, parents are encouraged to notify the school in writing when withdrawing their child. This is to confirm that the child's education is now being made 'otherwise' than by attending the school and so requesting the child's removal from the school's admissions register (that is, the 'school roll'). Although a parent is not legally obliged to notify the school or give any reason for removing their child, a school will not be able to remove a child from the school roll under (Pupil Registration) Regulations 2006 unless this request is made in writing and so if it not sent by the parent to the school then this may result in the school reporting the child as missing education.

The school is obliged to inform the LA of children removed from its admission register and will give home education as the reason, if notified of this by the parent. Parents of children withdrawn from school for home education are not legally obliged to inform the LA themselves - but again it is sensible to do so.

3.3. Where a child or young person is a registered pupil at a special school and the parent decides to home educate, there is an additional step and before the child's name can be removed from the school's admissions register the LA must first give consent for this. While the DfE guidance notes this should not be a lengthy or complex process, this does not remove the need for the LA to still be satisfied that the parent's proposed EHE is suitable for their child's SEN (more details on this are in the section on children with SEN below).

3.4. Where a child is registered at a school because of a school attendance order, the parent must get the order revoked by the LA on the grounds that arrangements have been made for the child to receive suitable EHE before the child can be deleted from the school's register and educated at home.

3.5. It is the policy of SCC that children in its care (Children Looked After) should attend a school or alternative educational placement and will not be considered for EHE.

3.6 The type of educational activity provided as EHE can be varied and flexible. It is recognised that home educating parents are not required to:

- teach the National Curriculum
- provide a broad and balanced curriculum
- have a timetable
- have premises equipped to any particular standard

- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days, or terms
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards

3.6. However, in line with the most recent government guidance (April 2019) SCC would expect parents' provision of education at home to include the following characteristics:

- consistent involvement of parents or other significant carers
- access to functional literacy and numeracy
- recognition of the child's needs, attitudes, and aspirations
- opportunities for the child to be stimulated by his or her learning experiences and
- access to resources/materials required to provide home education for the child.

3.7. Families should be aiming to offer satisfactory EHE from the outset and to have made preparations with that aim in view. The LA accepts that good home education develops with experience as the child becomes used to a different learning environment and that in the early stages, parents may not yet be able to respond fully to enquiries. In such cases, a reasonable timescale for responding will be agreed with the parents. The DfE confirms that there is no legal basis for an initial period where EHE is lawfully able to not be sufficient, for example because the parent claims they are still building it up to the required level, nor an initial period of 'de-schooling.' Therefore, while the LA accepts there may be a period of adjustment it expects a parent to be aiming to implement sufficient full-time education from the beginning of EHE.

3.8. SCC recognises 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. Therefore, the LA will have a key focus on suitability for the child in question and the intended and expected outcomes for the child as an indication of the suitability of the education being provided.

3.9. Parents who choose to electively home educate assume full financial responsibility for their child's education, including the cost of any public examinations. The LA does not provide any financial support for parents who choose to electively home educate their child.

4. School responsibilities

4.1. If parents inform schools that they are considering EHE, it is important that schools and parents are fully appraised of the expectations and implications of home educating before committing to making this important decision. It is not recommended for parents to elect to

educate their children at home as a way of solving a perceived or ongoing problem at school without seeking a solution to the issues first.

4.2. Where a parent does inform a school, they are considering EHE then the LA strongly recommends:

- schools convene a meeting to talk through parents' reasons to home educate their child/children and resolve any issues about school and the child's needs that might influence the parents' decision to continue with their attendance at the school. As a result, parents will be fully aware of their responsibilities and if there are any concerns that the school may have regarding their decision to home educate. The meeting could be attended by an EHE officer if this would be supportive to the parent.
- that parents are given contact details and advised to seek advice from the LA's EHE team before formally asking the school to remove the child from the school roll
- where appropriate both the school and parents should consider support offered through the SCC's Family Support Team and Earley help Assessment (EHA), where families are considering home education as means of addressing wider unmet needs or unresolved issues.
- If the child/young person is subject to an EHC plan or has additional needs that have previously been supported in school, the school could arrange an early annual review / review of needs and record this request along with any new information in the review. This would be an opportunity to update any unmet needs and consider how provision within school could be adjusted or if further referrals to other services, which would not be available to the child once home educated, could be made to support the child, and perhaps ease any concerns from the parent.

4.3. Where the child or young person attends a special school the decision to agree to a parent's request for them to leave and receive EHE rests with the LA. Schools should contact the EHE team consultant if approached by a parent considering EHE, who will then call and discuss this with the parent. The school would need to keep this child on roll until such time as the LA's EHE and Family Services teams have reviewed the parent's proposals and plans and have given permission for the child to be removed from the roll. This would be done via a letter to both school and parent.

4.4. If there is a School Attendance Order in place the school should make contact with the attendance team directly using the contacts below and keep the child on role until such time as the LA officers had given permission for them to be removed Sharon.Everett@suffolk.gov.uk

4.5. If the child/young person is subject to a Child Protection Plan, is a Child in Need, or the family is involved with Family Support services, then it would be good practice to alert the professional involved of the parents' decision or intention to EHE and ensure the named professional is recorded on the EHE form sent to the team.

4.6. DfE guidance confirms that schools must not try to persuade parents to educate their child at home and makes it clear that the practice of removing a pupil from the school roll by encouraging a parent to remove their child from the school, when the removal is primarily in the interests of the school rather than in the best interests of the pupil would be considered 'off- rolling'. Examples might include pressuring parents to remove their child as an alternative to threatened permanent exclusion or where the child has a poor attendance record. If the LA becomes aware of such practices, then it will seek to discuss the matter with the school, and

may, if necessary, consider reporting the behaviour to the Office for Standards in Education (Ofsted) and the Regional Director (RD).

4.7. If the parent's decision is firmly to provide EHE for their child, schools **must:**

- upon receipt of written notification from a parent that their child is receiving education otherwise than at school, delete the child's name from their admissions register
- acknowledge (in writing) receipt of the parents' written notification of their decision to home educate
- inform the LA immediately of the removal of the child's name from the admissions register following the above in accordance with Regulation 12(3) of the Education (Pupil Registration) Regulations 2006
- ensure that the pupil file is retained in accordance with usual procedures until requested by a receiving school. The parent may request a copy of the file.

5. Local Authority responsibilities

5.1. In December 2012, the House of Commons Education Select Committee produced a report, 'Support for Home Education'. It stated that: *'The role of the local authority is clear with regard to home education. They have two duties: to provide support for home educating families (at a level decided by local authorities themselves), and if families wish it; and to intervene with families if the local authority is given reason to believe that a child is not receiving a suitable education.'*

5.2. The current legal framework, Section 436A of the Education Act 1996, is a system that requires LA's to identify and deal with children who, for any reason and in any circumstances, are not receiving an efficient suitable full-time education. If a child is not attending school fulltime, the law does not assume that child is not being suitably educated. Instead, it requires the LA to enquire what education is being provided and local authorities have these responsibilities for all children of compulsory school age.

5.3. The LA also has a responsibility under the DfE's Child Missing Education Guidance 2016 to consult the parents of the child when establishing whether the child is receiving suitable education. Those children identified as not receiving suitable education should be returned to full time education either at a school or in alternative provision. Prompt action and early intervention are crucial to discharging this duty effectively and in ensuring that children are safe and receiving suitable education.'

5.4. The LA has a duty to ensure that all children living within its area of Suffolk are receiving suitable education, including when they are receiving EHE. Therefore, the LA expects that there should be regular communication with parents, including the provision of information about the EHE their child is receiving, because without this the LA cannot fulfil this duty.

5.5. The LA will make contact with EHE parents on at least an annual basis, so that the LA may reasonably inform itself of the current suitability of the education provided. In cases where there were no previous concerns and no reasons to think that this has changed, this contact will be proportionate, but the LA will be proactive in seeking regular assurance of suitability being maintained.

5.6. Article 12 on the United Nations Convention on the rights of the Child requires the LA to offer the child the opportunity to express their view and for due weight to be given to their views in accordance with the age and maturity of the child. This does not give the children authority over parents and the decision to EHE a child of compulsory school age is a matter for the parents. If the information provided by the child casts doubt over the suitability of the education

being provided, in terms of s.7 Education Act 1996, then that opinion might be part of the information leading to a conclusion by the LA that the education is not suitable.

5.7. Section 437 of the Education Act 1996 requires that if it appears to a LA 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.'

5.8. Before sending such a formal notice, the LA may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided. The DfE guidelines, to which the LA must have regard, confirm that while parents are under no duty to respond to such enquiries, in accordance with the decision in the case Phillips v Brown [1980] *'it would be sensible for them to do so'*.

There is an argument sometimes made that where the LA has no information at all about the EHE being provided, which will be the case if a parent refuses to communicate with the LA or simply states the EHE is 'suitable' but gives no details, then the LA cannot send the formal notice to a parent. The claim is that in such a situation the requirement that it must appear to the LA that the child may not be receiving suitable education cannot occur, because the LA does not know anything about the education the child is, or is not, receiving.

However, in the case of Phillips v Brown the Courts stated that where the LA had no knowledge of the education, then it was not accepted that the LA should do nothing. Instead, the judgement indicated the act of refusing to respond may mean that until proven otherwise the LA may be able to reasonably conclude that the child is not receiving suitable education. This is because it should be simple for the parent to provide any necessary evidence to show the EHE was suitable if they wished. Consequently, a lack of information provided to the LA would then likely fulfil the requirements for a formal notice to be sent.

The DfE has confirmed this legal interpretation, highlighting that the parent has a simple way to resolve the issue by providing the information requested to the LA:

'But we are satisfied that the interpretation of the law in Phillips vs Brown case does give local authorities grounds to make informal enquiries of a family where there is no information. Based on the response (if any), the authority can then decide whether the test in s.437(1) for making an order is satisfied. It is consistent with the judgement to take the view that the absence of convincing evidence in response to an informal enquiry is sufficient to meet the test. This cannot be regarded as oppressive since the parents have an adequate opportunity to demonstrate suitability.'

5.9. Section 437 Education Act 1996 requires that if a parent fails to satisfy the LA within the specified period that their child is receiving a suitable education, and in the opinion of the authority it is appropriate that the child should attend school, it shall issue a 'school attendance

order' requiring that their child become a registered pupil at the educational setting named in the order.

5.10. The LA has the duty to safeguard and promote the welfare of all children.

5.11. When seeking assurance of an efficient and suitable education, officers will have due regard for the need to prevent people from being radicalised.

5.12. To support school leaders and other professionals to remain up to date and informed of their roles and responsibilities in relation to EHE, the team regularly provide training and information sessions.

6. Suffolk County Council's Elective Home Education team role

6.1. The LA consider it to be desirable for parents and the LA to work together, recognising each other's rights and responsibilities. Officers work to establish and maintain a positive dialogue in children's best interests to ensure that a high-quality education is received, children views are considered, and children are safeguarded, and their welfare promoted. The LA supports positive engagement by offering a range of opportunities and means for families to communicate and meet with the EHE officers and providing advice and supported detailed below.

6.2. Support, Guidance and Resources.
The Elective Home Education Officers will provide support in the form of:

- Signposting parents to resources and services
- Discussing methods and philosophies
- Networking and advising on examinations
- Publishing information about EHE that is clear, accurate and sets out the legal position roles, and responsibilities of both the Local Authority and parents
- Discussing the implications of EHE with parents before they make the decision to leave or enter the school system
- Producing and distributing accurate written records of meetings with home educating parents and children where required
- Promoting positive relationships with EHE families based on mutual understanding, respect, and trust in order to safeguard the educational interest of children
- Referring to other agencies, such as the Early Help service and school nursing for support
- Seek to mediate between schools and potential EHE families when the relationship has broken down and parents feel obliged to withdraw their child
- Support and advice with seeking assessment for an EHCP
- Application for alternative provision where this is evidenced as appropriate
- Offer informal drop-in sessions at local libraries / community spaces
- Support and advice to make school applications where a family have decided that they wish to return to a school setting
- Discuss and seek advice from Special Educational services to support a young person with a referral to this service where is evidence of additional needs that would need be supported in order for the child to make a successful return to school and this is the wish of the parents

6.3. Some parents opt to electively home educate because they are dissatisfied with the educational system or their child's current school. Some families may feel that electing for

home education is the only available option when it appears that school issues cannot be resolved or where personal circumstances mean that attending school regularly is problematic. At the time a decision to home educate is made, parents may be unaware of the full scale of what is involved in electively home educating. The EHE team aims to support families in these situations to ensure they understand the implications of the child no longer being on a school roll. For example, parents should be aware they are taking full responsibility for their child's education including any costs incurred through the education, for example, resources, textbooks, website subscriptions and GCSE exam fees. The EHE team will seek to support families in raising their concerns where they feel they have been coerced into EHE by a school.

6.4. The role of the EHE team is not to tell parents how to educate their children or to promote registration at school. The LA understands that there is no one 'correct' way to educate children/young people educational system. All children learn in different ways and at varying rates. It is vital that parents and children choose a type of education that is right for them but equally ensures that children are numerate and literate, and it is important that EHE officers understand and are supportive of differing approaches or 'ways of educating' which are feasible and legally valid.

6.5. In circumstances where an EHE child would like to return to a school-based education, then the family will need to make a new school admission application. A space cannot be guaranteed to be available at any particular school. If the wish is for the child to return to the school they were previously educated at, families must be aware that there is no guarantee that there will be space for them to return to, as their previous place may have already been given to another child. Decisions on school admissions applications are made by the admissions authority for the school, and the LA is only the admissions authority for community and voluntary controlled schools. All other schools manage their own admissions policies outside of the LA's control. If a school place is applied for and refused under admissions code 3.1 the EHE team will alert the admissions team who can offer to present this at the fair access panel for a school setting to be named via this protocol. A parent can continue to apply through the normal admission process or accept this offer.

6.6. Where young people are entering EHE during Key Stage 4, attention will be given to ensuring appropriate learning pathways are discussed with relevant parties. There is an expectation that clear plans will be in place for achieving recognised qualifications at age 16 where appropriate to the child and securing progression to post 16 learning or employment with training and recognising the vulnerability of becoming NEET (Not in Education, Employment or Training) for young people who exit school at this late stage.

6.7. The EHE team also has a role to respond to concerns that a child is not receiving suitable education for their age, ability, aptitude, and any special needs they may have. The EHE team will seek to provide support and information for parents to resolve identified issues, but where a child appears to be missing education and resolution is not found to be possible the LA shall start formal intervention procedures (described in more detail below).

7. Local Authority procedures

7.1. To comply with its duty to intervene if it appears that a child of compulsory school age is not receiving a suitable education and to adequately plan for support for families, the LA's policy is to:

- Maintain a record of children known to the LA as being educated at home. This is a list of the children known to the LA only and therefore not an exhaustive list of all children

educated at home in Suffolk. Families who have children who have never been on roll may also register to access advice and support.

- Maintain and review processes to identify all four to five-year olds for whom an admission application for a school place has not been made.
- Publish information about EHE arrangements for parents who wish to educate their child at home on the SCC website, which can be sent out on request to those enquiring about educating children at home.
- Provide parents with a named EHE Officer who is knowledgeable of EHE policy and practice and has an understanding of a range of educational philosophies. Officers can offer support and guidance relating to the parents' plans for their child's education. EHE officers will be available to work in partnership with families to advise, signpost and discuss educational provision.
- Have a named senior officer with responsibility for EHE and its links with other services. This officer will oversee the work of the team and will manage any concerns regarding EHE practices and procedures.
- Provide opportunities both formal and informal for parents to meet officers to explore the options for access/signposting to other LA services and facilities for parents, within available resources, and to also seek to ensure EHE children have appropriate access to services and facilities from other agencies that would generally be delivered via school.
- Make contact with parents at least on an annual basis, so that the LA may reasonably inform itself of the current suitability of the education provided and parents can provide updated information on the progress of their child.
- Liaise and work with multiagency professionals in areas of concern, to support children to receive the most appropriate provision.
- Inform all LA staff about the purpose and case responsible staff of the outcomes of EHE panel meetings.
- Comply with legal requirements, where a child has an EHCP, carry out the legal duty to ensure that the child's needs are met is fulfilled and support family services in ensuring annual reviews are undertaken for those children.
- Advise and assist families who request support with returning children to school or with identifying a school place.
- Provide support to explore post-16 options, offer timely support from a young person's worker to support this transition if needed.
- Ensure all EHE registrations from the second half of the summer term for Year 6 pupils will be confirmed in September of that year.
- Provide opportunities for the views of children who are electively home educated to be heard and considered in decision making.
- Include the opportunity for EHE parents' representatives to be consulted when determining its strategies to support EHE children.

8. Procedural guidance

8.1. If the LA is made aware of a child being home educated within Suffolk, the child's details will be added to the central EHE database. The pupil record will be updated to reflect home education and the parents' deregistration letter (clearly stating that they have elected to home educate their child) will be uploaded. An officer will check Suffolk's children's services data

base to identify if the child is subject to assessment by family support services, child in need, child protection planning (open or closed) and make written contact with the parent.

8.2. As part of the Initial contact made with a family following receipt of a deregistration letter acknowledging the parent's intention to home educate, a welcome pack will be sent. This will be followed by an initial letter which introduces a named officer, includes the EHE privacy policy and a request for information form, which will support the LA's duty to establish that a suitable education provision is being made.

8.3. We acknowledge that learning takes place in a wide variety of environments and not only in the home. However, if it appears that a suitable education is not being provided, we will seek to gather any relevant information that may assist us in reaching a properly informed judgment. This will include seeking from the parents any further information that they wish to provide which explains how they are providing a suitable education. Parents will always be given the opportunity to address any specific concerns that the authority has. The child involved will also be given the opportunity, but is not required, to attend any meeting that may be arranged or invited to express his or her views in some other way. Please note that parents are under no duty to respond to our requests for information or a meeting, but it would be sensible for them to do so because until the LA is satisfied that a home educated child is receiving a suitable full-time education, then the child being educated at home falls under the scope of the powers and duties in relation to children missing education.

If parents choose to meet an officer, they will be asked to provide evidence that they are providing a suitable education. If we do ask for information, parents are under no duty to comply although they are strongly encouraged to do so given that the LA must be satisfied of suitable education, and they are the only source for evidence to show this. Following any review of their EHE provision, parents will receive a short notification from us. If we are satisfied that the education is suitable, they will be notified and advised that we will contact them again in a year's time. If we are not satisfied, they will be notified and given a maximum of 3 months to put plans in place and demonstrate the suitability of education. If we remain dissatisfied, we may take statutory action as set out above.

8.4. When the EHE officer has received information and as a result has no concerns with the educational provision being made by a parent, annual contact is made. This is to establish confirmation of continuing EHE, request an update on the child's current provision and to offer of advice/information if needed. Parents may contact the EHE team during this period (or at any other time) for advice and support.

Where no response is received from a parent the LA will follow this up with a call or email in the first instance. If no response received the LA will review this at the EHE panel and decide what is necessary and proportionate in order to fulfil their duty to determine that education remains suitable. It will take account of any change of circumstances, which may be a specific event, where safeguarding concerns have arisen or that the child is transitioning from one phase of education to another.

8.5. Parents and schools may contact the LA EHE team for advice at any stage in a child's education.

8.6. EHE officers will offer an early opportunity for parents to inform them if they believe they have been pressured by the school into EHE. In such situations, officers will advise parents on using the school's complaints procedures. Following this, where a parent feels that the procedure

has not been adhered to, the EHE team will direct their complaint to LA Education officers, Organisational Support.

8.7. EHE officers will monitor data and highlight schools considered to have larger than average numbers of children being deregistered to EHE. Officers will highlight any concerns with regard to vulnerabilities, evidence of off-rolling and any protected characteristics of children leaving to EHE to school leaders, trust officers, CEO or Standards and Excellence partners. They will also report the findings of this data to the Assistant Director, Education and Learning. If concerns remain, they may be required to inform OFSTED and or the Regional Director (RD).

8.8. If concerns are raised, or where there is no information available at all, or information comes to light that makes it appear the EHE may be unsuitable, EHE officers will seek additional detailed information and assurance to establish that a suitable and efficient education is taking place. These informal enquiries could include a request to see the child either in the home or in another location. The parent is under no obligation to agree to this simply to satisfy the LA as to the suitability of the education, although a refusal to allow a visit can in some circumstances justify service of a notice under s.437(1). Individual cases of concern will be discussed, and actions determined by the EHE panel meeting. If these concerns remain, the LA will reasonably expect parents to respond and address concerns raised. Parents are expected to provide evidence of a suitable education that would, on the balance of probabilities, convince a reasonable person that a suitable education is being provided for the age and ability of the child. In those cases where concerns remain after reasonable steps have been taken to establish that a suitable education is in place, the school attendance order process will be started in accordance with Section 437 of the Education Act 1996. This entails first sending a formal notice to the parent requiring them to satisfy the LA that they are fulfilling their duty, and the child is receiving suitable education. If the parent fails to do this in the required time, and where the LA decides it is appropriate that the child should attend a school, then the LA will serve on the parent a ‘School Attendance Order’, requiring the child to become a registered pupil at a school named in the order.

8.9. Prior to serving a notice under Section 437 of the Education Act 1996 the LA would aim to address the situation informally. If the LA has information that makes it appear that parents are not providing a suitable education, the most obvious course of action is to ask parents for further information about the education they are providing. Such a request is not the same as a formal notice and will not necessarily result in a school attendance order being issued.

8.10. If because of the parent’s response, or lack of response, the LA decides that it does appear that that child is not receiving a suitable education, then it must serve a formal notice in writing on the parent requiring them to satisfy SCC within the period specified in the notice that the child is receiving such education. The period in which the parent must satisfy the LA will be stated on the notice and will be not less than 15 days.

8.11. A School Attendance Order should be served after all reasonable steps have been taken to try to resolve the situation. However, if the parent fails to respond or fails to provide evidence to show that the child is receiving a suitable education within the period then SCC will issue a

School Attendance Order on the parent which will require them to cause the child to become registered on the admissions register (school roll) of the school named on the order.

8.12. Parents can appeal against a School Attendance Order and the Order can be withdrawn at any stage if the LA receives information demonstrating parental commitment and the child being electively home educated is receiving a suitable education.

8.13. The LA will always seek to discuss and engage with the parent. The LA will only take legal action against the parent as a last resort, after all reasonable avenues have been explored to bring about a resolution of the situation.

8.14. If the LA prosecutes parents for not complying with the Order, then it will be for a court to decide whether the education being provided is suitable. The court can revoke the Order if it is satisfied that the parent is fulfilling their duty. It can also revoke the Order where it imposes an Education Supervision Order.

9. Acknowledging diversity

9.1. The LA expect that Parents' EHE provision will reflect a diversity of approaches and interests and will reflect social, racial, religious, and ethnic backgrounds. Some parents may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that is similar to school hours and terms. Other parents may decide to make more informal provision that is responsive to the developing interests of their child. One approach is not necessarily any more efficient or effective than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, the LA will not specify a curriculum or approach which parents must follow. These factors should not in themselves raise a concern about the suitability of the education being provided.

9.2. When a Gypsy, Roma or Traveller (GRT) family with children of school age indicate their wish to electively home educate they will be contacted in the same way as any other family in that position. When GRT families move into Suffolk they will be strongly advised to contact the Traveller Liaison Officer for support should they wish to have it and will be supported to share information with the EHE team.

9.3. The LA appreciates that parents and their children might require a period of adjustment before finding their preferred mode of learning and that families may change their approach over time. However, families should be aiming to offer satisfactory home education from the outset, and to have made preparations with that aim in view.

9.4. There is no definition of 'suitable' education in statute law, although as stated in s.7 as quoted above, it must be suitable to the age, ability and aptitudes of the child, and any special educational needs. This means that it must be age-appropriate, enable the child to make progress according to his or her particular level of ability, and should take account of any specific aptitudes (for example if a child is very good at mathematics, it might focus more on that than some other subjects). More generally, parents should bear in mind that:

- 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, and the education should aim at enabling the child, when grown-up, to function as an independent citizen in the UK – and furthermore, beyond the community in which he or she was brought up, if that is the choice made in later life by the child

- to be ‘suitable,’ education at home should not directly conflict with the Fundamental British Values as defined in the DFE government guidance, although there is no requirement to teach these
- local authorities may use minimum expectations for literacy and numeracy in assessing suitability, whilst bearing in mind the age, ability and aptitude of the child and any special educational needs he or she may have
- education may not be ‘suitable’ even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which make it very difficult to work (for example in very noisy environment). This might also affect whether it is ‘efficient’ and indeed, whether it is ‘received’ at all for the purposes of s.7; and
- education may also not be deemed suitable if it leads to excessive isolation from the child’s peers, and thus impedes social development.

However, many home-educating families do some of these, at least, by choice. Furthermore, it is likely to be much easier for a parent 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.

If it appears to us that a child is not receiving a suitable education, we will write to parents to discuss their ongoing home education provision. This letter will offer a range of ways in which you can choose to tell us about your provision. We would prefer that an officer from our service is able to meet with parents in order to discuss arrangements, however the letter does give alternative options.

Some parents may welcome the opportunity to discuss the provision that they are making for the child’s education during a home visit, but parents are not legally required to give us access to their home.

Parents may choose to meet an officer at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. Where a parent elects not to allow access to their home or their child, this will not of itself constitute a ground for concern about the education provision being made. Where we are not able to visit the home, we should be able to discuss and evaluate the educational provision by alternative means.

10 Suitable education

SCC Understanding of suitable education and the reasons why the LA may deem the education not to be suitable.

Parents who are home educating their child(ren) are expected to provide evidence of a suitable education that would, on the balance of probabilities, convince a reasonable person that a suitable education is being provided for the age and ability of the child, including any special educational needs they may have.

In considering the parent’s provision of education the LA may reasonably expect the provision to include the following characteristics:

- Broad: it should introduce the pupils to a wide range of knowledge, understanding and skills. Even if there is no specific link with the national curriculum or other external curricula, there should be an aim of an appropriate minimum standard enabling the child, when grown up, to function as an independent citizen in the UK-and beyond the community in which he or she was brought up, if that is the choice made in later life by the child.
- Balanced: each part should be allotted sufficient time but not such that it pushes out other essential areas of learning.

- Will include a minimum expectation for literacy and numeracy, bearing in mind the age, ability and aptitude of the child and any additional needs that they may have.
- Relevant: subjects should be relevant to the young person's interests, experiences, and aspirations.
- Differentiated: what is provided, and how it is accessed, needs to be matched to the child's age, abilities, and aptitude, taking into account any special education needs, physical or mental health needs.
- Full-time, that is an education that would take up a significant portion of a child's life. The DfE guidelines 2019 give examples of a state school where children of compulsory school age receive between 4.5 to 5.0 hours of education a day for about 190 days per year.

It would help the LA to see there is suitable education if the EHE *includes* other aspects at an appropriate level such as personal, social and health education, outdoor and environmental education, citizenship, careers, food technology and information and communication technology. A suitable home education may be varied and flexible and include activities that do not usually take place in a school and should include opportunities to mix and relate with other children and adults as this is important to a child's personal and social development.

There may be a variety of reasons why the information / evidence provided has not been deemed suitable by the LA. This may include:

- The education provision described lacks detail, and it is difficult to ascertain evidence for issues such as what is being taught, what subjects are being studied, and/or what skills are being developed.
- There are no examples or very limited examples of work submitted, or where despite numerous examples of a child's work being shared, this is without any context.
- There is no or very limited information regarding resources used internally and externally.
- There is no or very limited detail of how the child's progress is being monitored or examples of work to demonstrate relevant progression.
- There is no clear academic or time structure.
- The provision being made leads to excessive isolation of the child from their peers and thus impedes social development.
- There is limited parental oversight

It is important to note that the above is for guidance and by way of example only and is not an exhaustive list. Each case is judged upon its own individual circumstances.

The types of information and evidence might include:

- an overview of a typical day/ week
- a home education plan
- photographs
- workbooks
- progress reports
- dated work over time
- conversations with the child / parent; home visits, etc.
- Examples of the child's work that include the context in which the work was completed.

Individually these types of information in some circumstances may not be sufficient to demonstrate a suitable education

Any assessment of suitability will also take into account the environment in which the home education is being provided. Any environmental factors such as noisy cramped or lacking in resources, which may make it difficult for a child to learn and make progress, will be taken into account in any consideration by the LA, if present on a significant scale.

The LA needs to be satisfied that appropriate education is taking place and therefore it will be about building a full picture of the individual circumstances rather than rigid adherence to a check list.

10. Children with Special Educational Needs and Disabilities

10.1. Parents' right to educate their child at home applies equally where a child has Special Educational Needs and Disabilities (SEND). SEND law was revised significantly by the Children and Families Act 2014. This introduced integrated Education, Health and Care Needs Assessments (EHCNA) dealing with SEND and other issues. Following an EHCNA a child may be issued with an Education, Health and Care Plan (EHCP) which details their SEN, Health and Care needs, and any provision required to be provided through an EHCP to meet those needs.

10.2. Parents of any child who has an EHCP and who are considering whether to make their own education arrangements should discuss this with the SEND Family Services Team to ensure that they are fully aware of alternatives (amended provision and/or change of placement) and their SEND statutory rights of appeal.

It is important that parents recognise that there is a difference between home tuition arranged by SCC and EHE provided by the parent. Where the EHCP lists SEND provision that is specified to be provided away from a named school or post-16 placement, including at the child's home, then this is Education Other Than At School (EOTAS). Such home tuition is not EHE, and SCC is under the same duty as if the child was attending a school to ensure the provision specified is being provided. However, where SCC names in the EHCP a school or type of school as the place where the child should receive his or her education, but the parent chooses to home educate their child, then this is EHE. In such a case SCC's duty to ensure the stated provision in the EHCP is removed because the parents at their own expense have chosen to make alternative suitable arrangements. However, before SCC is relieved of its duty to ensure the specific SEND provision listed in the EHCP is provided at the named school, it must be satisfied that, although the parent's EHE provision may be different from the SEND provision listed in the EHCP, the parent's EHE provision is still suitable to meet the needs of the child's SEND.

10.3. It is not possible for SCC to be satisfied that the SEN provision will be suitable for the child's SEND if it has no information about what the parent proposes to provide. Therefore, in such a case of a child with an EHCP, SCC believes the parent must provide details of the proposed educational provision. The LA will use these details to consider if the proposed EHE will reasonably result in similar outcomes to the provision in the EHCP.

If this is accepted then the LA will not amend the EHCP, which will remain with the same text showing the provision that the LA decided would need to be given if the child was to attend a school or other placement. The only changes would be to remove the name of a school if one was stated in Section I, although the school type would remain, and to add a note that the

parents had decided to electively educate their child and this means the duty for the LA to ensure the provision of all special educational provision in the EHCP under Section 42 of the Children and Families Act 2014 had been removed.

DfE statutory guidance on electively home educating a child with an EHCP is found in paragraphs 10.30 to 10.38 of the SEND Code of Practice: 0 to 25 Years.

10.4. Where a child or young person is a registered pupil at a special school and the parent decides to home educate, before the child's name can be removed from the school's admissions register, SCC must give consent for the child's name to be removed. Although the guidance states the agreement of the LA to release a child currently named to attend a special school should not be a lengthy or complex process, this does not remove the requirement that the LA must still first be satisfied that the parent's proposed SEN provision will be suitable to meet the needs of the child's SEN. This decision is made through the EHE panel meeting and will include specialist advice from SCC's SEN Team. If agreed, this will not change the stated provision in the EHCP, which will remain drafted for the child to attend the type of placement. However, a note will be added that the LA's statutory duty to ensure the stated provision is provided at the named placement has been removed because the parents have chosen to provide suitable EHE instead.

10.5. Where it appears to the LA that a child is not receiving education suitable to age, ability and aptitude and SEND, the procedures set out in 10.1 will be followed. If the EHC plan remains in place, it will be maintained and reviewed annually and amended where appropriate.

10.6. A parent who is educating their child at home may ask the LA to carry out a statutory EHCNA of their child's special educational needs and the LA will consider the request within the same statutory timescales and in the same way as for all other requests.

10.7. Where a child is being educated by EHE and has an EHCP, the LA must still review their EHCP annually to assure itself that the provision set out in it continues to be appropriate and that the child's SEN continues to be met. Therefore, the LA expects parents to be involved in the review process and provide updated information on the SEND provision being provided. However, it is not mandatory to see the child or the home as part of the review. Where parents wish for only minimal contact and there are no other concerns, the annual review can serve as the annual meeting for EHE purposes.

At each review the LA will again need to consider the EHCP as if the child were to attend a school placement, and any proposed amendments will need to be drafted in respect of this. Once finalised the LA will then then need to recheck if the EHE remains suitable and is expected to continue to reasonably result in similar outcomes to the EHCP. In order to do this, it is again not possible for the LA to be satisfied that the SEN provision will be suitable for the child's SEND if it has no information about what the parent proposes to provide. Therefore, in the LA believes the parent must also provide details of the proposed educational provision into the annual review.

10.8. In the event of parental non-engagement in the EHCP process or annual review, or if the EHE team has any concerns about whether provision in place is meeting a child's needs, a multi-professional meeting will be called to decide next steps. Each case will be considered on its own merit.

11. Safeguarding

11.1. Local authorities have a duty under section 175 of the Education Act 2002 to safeguard and promote the welfare of children, which states: *'the local authority shall make arrangements for*

ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children.'

11.2. Where a child is not receiving a suitable full-time education and action is required by the LA, the LA should bear in mind that unsuitable or inadequate education can also impair a child's intellectual, emotional, social, or behavioural development and may bring child protection duties into play. LA should consider whether further action under safeguarding law is required. This may include the EHE team attempting early contact with the parent and child by undertaking a welfare check where, at the point of referral, the level of concern is such that risk of significant harm may be indicated.

11.3. The LA duties to promote wellbeing and safeguarding and promoting the welfare of children in their area includes children educated at home. Therefore, social services teams within the LA and the EHE team will take steps to ensure that relevant information on individual information is shared.

11.4. Where the LA feel that the lack of suitable education appears likely to impair a child's development, they will fully exercise their safeguarding powers and duties to protect the child's well-being which includes their suitable education. Harm could include the impairment of health or physical, intellectual, emotional, social, or behavioural development. Whether the provision of unsuitable education does amount to significant harm depends on the particular circumstances of the child, and whether those circumstances mean that the child's intellectual and social development are being or are likely to be significantly impaired. If a LA has reasonable cause to suspect significant harm it should take action to protect the child's welfare. Reasonable cause can include the lack of any substantive information about the child education.

11.5. A failure to provide a suitable education is capable of satisfying the threshold requirement contained in s.31 of the Children's Act 1989 that the child is suffering or likely to suffer significant harm.

11.6. Section 175 does not extend an LA's functions. It does not, for example, give LAs powers to enter the homes of or otherwise see children for the purposes of monitoring the provision of EHE. However, section 157 of the act is clear that if an LA officer is made aware of potential risk of harm, they have a duty to refer this to ensure a child's needs are being met.

11.7. The threshold for intervening in a family where a child is being electively home educated should be the same as that for any other child or family where there are clear evidenced concerns about a child's welfare. The fact that a parent has exercised their right to home educate cannot prevent the LA from intervening where concerns about a child's welfare have been identified.

11.8. Sections 17 and 47 of the Children Act 1989 provide SCC with a power to insist on seeing children to inquire about their welfare where there are grounds for concern, although such powers cannot be used in order to establish whether the child in question is receiving suitable education at home.

11.9. SCC acknowledge that parents can decide to EHE at any time; however it considers that where a child is made subject to a Child Protection plan, currently subject to a Child Protection plan, or is Child in Need, the social worker will make clear that if the parent/carer has already declared EHE, or states an intention to do so, the child's needs and risk will be reassessed in light of this information. Likewise, a Family Support team practitioner working with a family will

review the decision of the family and consider if this decision may impact on the threshold decision.

11.10. On receipt of a declaration to EHE, the Social Worker will:

- Ensure the child's plan is reviewed at the earliest opportunity, taking into consideration any additional needs or risks associated with EHE and any additional actions that may be needed in order to protect the child and meet his / her needs.
- Consider if a strategy discussion is required
  - Review the risk to the child, to include health and well-being and record how the risk is changed as a result of continuing to or starting to educate the child at home and record this within the minutes of the meeting.
  - Consult with education colleagues (EHE and if involved, Family Services) and any previous school around the suitability of the families EHE outline plan.
  - Amend the plan to reflect the necessary actions that need to be taken to ensure access to a suitable education.
  - Update the Child Protection case conference chair.

  - Where education provision is not immediately available, or the risk assessment indicates that EHE is acceptable, the professionals network working with the child will review the frequency of home visits to be undertaken as part of the child's plan and, where necessary and in the interest of safeguarding the child, consider whether the frequency of the home visits needs to increase in the absence of the additional protective factor of an education setting.
  - Ongoing engagement with the EHE team will be strongly advised to the family should the case be 'stepped down.'

11.11. Officers must act upon any concerns that a child may be at risk of significant harm, in accordance with SCC's child protection procedures, which can be accessed through the Suffolk Safeguarding Children Board website – www.suffolkscb.org.uk

12. Reviewing procedures and practices

12.1. Suffolk will review these guidelines annually.

13. The Suffolk EHE Team

13.1. The EHE team is comprised of one Lead EHE Consultant (1 FTE), Two, (1.5 FTE) EHE Consultants, three (3. FTE) EHE Advisors and one (1FTE) Business support coordinator. The team is overseen by a Senior Manager within Education and Learning, within Suffolk County Council's Directorate for Children and Young People.

13.2. The Elective Home Education Team can be contacted by using the details below:

Elective Home Education Business Support
Education, Skills and Learning
Children and Young People Services
Suffolk County Council
Endeavour House
8 Russell Road
Ipswich

IP1 2BX
01473 265139
ehe@suffolk.gov.uk