

Committee Name and Date of Committee Meeting

Cabinet – 20 October 2025

Report Title

Revised Elective Home Education Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Nicola Curley, Strategic Director of Children and Young People's Services

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The Department for Education recommends that every Local Authority has 'a written policy statement on elective home education, which is clear, transparent and easily accessible by using different formats as necessary, is consistent with the current legal framework and preferably drawn up in consultation with local families who educate children at home so that it can reflect both the challenges and rewards of educating children in this way'.

Rotherham's Elective Home Education Policy was last agreed in 2021, and a review was initiated to ensure that it was easy to navigate and understand and reflected accurately the current way in which the Elective Home Education Team works with home educators. Home educators and partners were key to this process with a period of public consultation taking place following informal stakeholder events.

The report seeks approval of the revised Rotherham Elective Home Education Policy.

Recommendations

That Cabinet:

1. Approves the revised Elective Home Education Policy at Appendix 2.

2. Delegates authority to the Strategic Director of Children and Young People Services to update the Policy if any minor changes are required as a result of the Children's Wellbeing and Schools Bill (currently passing through Parliament).

List of Appendices Included

- Appendix 1 Summary of consultation responses
- Appendix 2 Proposed Elective Home Education Policy
- Appendix 3 Equality Analysis Form (Part B)
- Appendix 4 Carbon Impact Assessment

Background Papers

[Elective home education: departmental guidance for local authorities](#) (April 2019)

[Education Act 1996](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel
None

Council Approval Required
No

Exempt from the Press and Public
No

Revised Elective Home Education Policy

1. Background

- 1.1 Rotherham's Elective Home Education Policy was last agreed by Cabinet in September 2021. This review was initiated as part of the agreed cycle of review of the Policy.
- 1.2 Elective home education (EHE) is the term used to describe a choice by parents to provide education for their children at home - or at home and in some other way which they choose - instead of sending them to school full-time.
- 1.3 The Department for Education issues non statutory guidance for Local Authorities [Elective home education: departmental guidance for local authorities](#) (2019) and the Council follows this guidance in discharging duties in respect of EHE.
- 1.4 Additionally, the Council has a statutory duty under s436a of [the Education Act 1996]:

(1)A local authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—

(a)are not registered pupils at a school, and

(b)are not receiving suitable education otherwise than at a school.

This forms the basis for enquiries to be made to satisfy the Council that children who are known to be electively home educated are in receipt of suitable, efficient, and full time education.

2. Key Issues

- 2.1 Although legislative changes are proposed through the Children's Wellbeing and Schools Bill, these have not yet been enacted and are therefore not reflected within the proposed Policy. A decision was made to review the Policy at this point given that there is no defined timeline for proposed legislative changes to come into force. This report recommends that Cabinet approve any further update of Rotherham's Elective Home Education Policy via an Officer Delegated Decision to reflect any such changes as they are made.
- 2.2 Numbers of children who are electively home educated are rising both locally and nationally. Source: [Elective home education, Autumn term 2024/25 - Explore education statistics - GOV.UK](#)

Number of children on census data reported by Local Authorities via the Department for Education collection.

	2022/23			2023/24			2024/25
	Autumn	Spring	Summer	Autumn	Spring	Summer	Autumn
England	80900	86200	97600	92000	103500	117900	111700
Rotherham	370	400	450	410	480	560	560

Alongside this, the number of children in Rotherham for whom the Council cannot be satisfied of provision of suitable, efficient, and full time education has also risen from 25 in the 2023/24 academic year to 35 in terms 1 and 2 of academic year 2024/25. This number refers to situations where parents have made a decision to home educate, but following informal enquiries, the Council cannot be satisfied that their child(ren) are in receipt of suitable education. In these instances, steps to make formal enquiries as outlined in the 2019 guidance for Local Authorities are followed and a School Attendance Order issued to the parent, requiring them to register their child(ren) at a named school.

2.3 Parents and carers cite a number of reasons for the decision to home educate, these include:

- Ideological or philosophical views which favour home education, or wishing to provide education which has a different basis to that normally found in schools.
- Religious or cultural beliefs, and a wish to ensure that the child's education is aligned with these.
- Dissatisfaction with the school system, or the school(s) at which a place is available.
- Bullying of the child at school.
- Health reasons, particularly mental health of the child.
- As a short term intervention for a particular reason.
- A child's unwillingness or inability to go to school, including school phobia.
- Special educational needs, or a perceived lack of suitable provision in the school system for those needs.
- Disputes with a school over the education, special needs, or behaviour of the child, in some cases resulting in 'off-rolling' (where a child is withdrawn from a school by the parent as a result of pressure from the school rather than it being a purely voluntary decision) or exclusion. Where a child receives a permanent exclusion, the Local Authority

provides education provision from day 6 of the exclusions in line with statutory duty.

- Familial reasons which have nothing to do with schools or education (e.g. using older children educated at home as carers).
- As a stopgap whilst awaiting a place at a school other than the one allocated.

2.4 Where a parental reason to EHE does not appear to have been made entirely voluntarily or with the best interests of the child(ren) at the centre of the decision making, support and challenge is provided from a member of the EHE team.

2.5 The relationship between home educators and the Council is of utmost importance to the EHE team, and it is therefore crucial that the Policy is accessible and understandable to anyone who needs to access it. Through the Policy review, attempts were made to remove unnecessary jargon and to set out clearly the responsibilities of each party in the processes relating to EHE.

2.6 Views of elective home educators in Rotherham were invited through informal stakeholder engagement prior to the commencement of the formal review. Two drop in sessions on 21 and 27 January 2025 were offered in the Riverside Café with an invite sent to all home educators known to the Council by e-mail. Three parents attended events in person with a further five providing feedback by e-mail. Additionally, the views of parents, carers and young people are also sought on an ongoing basis through visits and contacts undertaken by members of the EHE team.

2.7 Members of the Improving Lives Select Commission were invited to an engagement sessions held on 28 February 2025 to share information and views ahead of the formal consultation taking place.

2.8 A stakeholder event was held on 27 January 2025 and the following partners invited to share experiences, themes, and priorities in advance of the formal Policy review being initiated:

- Rotherham Parent Carer Forum
- Family Help
- Rotherham Special Education Needs and Disabilities teams
- Virtual School
- Health services
- Schools
- Social Care

2.9 Following the engagement events, a proposed Policy was drafted taking into account all feedback and comments received. Key changes proposed within the Policy are as follows:

- Guidelines for indicators the Council is looking for when making judgements about the provision of suitable education. The proposed

Policy is clear that this does not seek to be prescriptive but offers guidance to parents and carers based upon the content of the Department for Education Guidance to Local Authorities.

- Simplification and removal of some of the process information detailing Council internal actions and systems.
- Clearly stating the responsibilities of all parties involved in the process.
- Providing clarity about the actions of the Council where we cannot be satisfied that suitable education is being received by a child.
- The addition of specific information about Flexi Schooling, which is an arrangement between parents and a school whereby a child who is educated at home most of the time is also registered at school and attends school for part of the week.

2.10 The proposed Policy continues to place a heavy focus on early and ongoing support, over and above the statutory obligations placed on the Local Authority. This commitment is reinforced by the recent agreement for additional staffing to the team.

2.11 A period of formal consultation was agreed by an Officer Delegated Decision on 15 April 2025 and was hosted on the Council's consultation webpages between 16 April and 17 June 2025. This was publicised via the following means:

- Notification to all schools in the Education Bulletin
- Inclusion in Neighbourhood Bulletins
- Direct Email to all known home educators in Rotherham
- Promotion with internal Council services
- Promotion at relevant stakeholder events, including Children Not in School Governance Group, Locality Partnership Panels, and the Strategic Fair Access Panel.

2.12 There were 11 responses received to the formal consultation. These are summarised at Appendix 1. Following the consultation no changes were made to the proposed Policy.

2.13 Scrutiny was given to the proposed Policy by Improving Lives Select Commission on 22 July 2025 and no changes proposed.

3. Options considered and recommended proposal

3.1 The current EHE Policy remains in place and this is outdated, wordy and could be difficult for parents to navigate. The option to do nothing is therefore not recommended.

- 3.2 **Recommended** - The proposed Policy that was consulted upon is now agreed by Cabinet. This is attached as Appendix 2.
- 3.3 Additionally, it is recommended that Cabinet approve that updates or additions to Policy required by legislative changes proposed in the Children's Wellbeing and Schools Bill are made by means of an Officer Delegated Decision.

4. Consultation on proposal

- 4.1 A range of stakeholder engagement sessions were hosted, as detailed in the body of the report.
- 4.2 Formal consultation was hosted on the Council's website between 16 April and 17 June 2025.
- 4.3 Scrutiny to the proposed Policy was given by the Improving Lives Select Commission on 22 July 2025.

5. Timetable and Accountability for Implementing this Decision

- 5.1 October 2025 - Seek Cabinet endorsement of the proposed Policy.
- 5.2 November 2025 - Agreed Policy launched with home educators, schools and other stakeholders through direct communications and appropriate forums.

6. Financial and Procurement Advice and Implications

- 6.1 There are no direct financial implications arising from the proposed changes to the Elective Home Education (EHE) Policy as outlined in this report.
- 6.2 The existing budget for the EHE team is held within the Education service area of the Children and Young People's Directorate. The budget covers the staffing and admin costs associated with discharging the Council's statutory duties in relation to EHE. While the service is primarily funded through the Council's core General Fund budget, a proportion of the funding is drawn from the Dedicated Schools Grant (DSG) High Needs Block. The use of DSG funding reflects the support provided to children with Education, Health, and Care Plans (EHCPs) or Special Educational Needs and Disabilities (SEND) who are electively home educated.
- 6.3 There are no direct procurement implications arising from the recommendations detailed in this report.

7. Legal Advice and Implications

- 7.1 Legal Services have reviewed and inputted into the proposed Elective Home Education Policy; it is noted that there are no proposed changes following the consultation process.

- 7.2 The Department for Education has produced departmental guidance for Local Authorities in respect of Elective Home Education. This is non-statutory guidance but nevertheless it has been produced to assist local authorities understand their role in relation to elective home education and therefore the Council should have regard to it.
- 7.3 Section 7 of The Education Act 1996 sets out the right of a parent to home educate their child as long as this is suitable to the age, ability and aptitudes of the child, and any special educational needs they may have. The Education Act 1996 also specifies at Section 436a the duty placed upon the Local Authority to identify children in their area of statutory school age who are not registered in school and are not in receipt of suitable education and Section 437 describes the duty upon the Local Authority to act in such situations.
- 7.4 There is no statutory requirement for a Local Authority to have an Elective Home Education Policy in place, however it is recommended within the Guidance that *'each Local Authority has a written policy statement on elective home education which is clear, transparent and easily accessible by using different formats as necessary, is consistent with the current legal framework and preferably drawn up in consultation with local families who educate children at home so that it can reflect both the challenges and rewards of educating children in this way. It should take into account local circumstances and set out how the authority will seek to engage and communicate with parents.'*
- 7.5 This is important to ensure that parents fully understand the responsibilities that come with home education and what is expected of them. Local authorities have the same safeguarding responsibilities for children educated at home as for other children.
- 7.6 In adopting the proposed Policy, the Council is ensuring compliance with the recommendations made within the Guidance. Adopting the Policy also assists the Council in demonstrating compliance with the current legal framework and minimises the risk of legal challenge around decision making in relation to elective home education.

8. Human Resources Advice and Implications

- 8.1 There are no direct Human Resources implications.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 The implementation of a revised Elective Home Education Policy will support the Council in continuing to discharge statutory education and safeguarding duties in respect of children and young people.

10. Equalities and Human Rights Advice and Implications

- 10.1 An Equality Analysis in respect of the proposals has been completed and is attached as Appendix 3.

11. Implications for CO2 Emissions and Climate Change

- 11.1 A Carbon Impact Assessment has been completed and is attached as Appendix 4.
- 11.2 There may be a climate impact from staff travel if the number of children electively home educated continues to rise, however this may be mitigated as the revised Policy attempts to support parents and carers in making informed decisions through a 'support first' approach.

12. Implications for Partners

- 12.1 The Policy aims to set out clearly the responsibilities of all parents in relation to elective home education. These have not changed since the previous Policy was agreed in 2021. Partners have been involved in the Policy review.

13. Risks and Mitigation

- 13.1 The Council has a statutory duty under s436a of the Education Act 1996 (to identify as far as possible) children of statutory school age in the Rotherham area who are missing education.
- 13.2 An effective and enforceable Elective Home Education Policy is crucial in discharging this duty effectively.

14. Accountable Officers

Sarah Whitby, Head of Service Access to Education

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	John Edwards	23/09/25
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	23/09/25
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	23/09/25

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