

Children's and Young People Services

ELECTIVE HOME EDUCATION POLICY



www.rotherham.gov.uk

Contents

Table of Contents

1. Purpose of this Policy.....	3
2. Terminology.....	3
3. Statutory framework and relevant guidance relating to Elective Home Education	3
4. Responsibilities	4
5. Children with Special Educational Needs.....	6
6. Gypsy, Roma, and Traveller Children.....	7
7. What does suitable education mean in Rotherham?.....	7
8. What to expect from the EHE service	9
9. EHE and safeguarding	10
10. Governance	10
11. Record keeping	11
12. Review arrangements.....	11
13. Complaints.....	11
14. Glossary of Terms.....	12

Rotherham's Elective Home Education Service works in a way that is underpinned by the Rotherham Co-production and Inclusion pledge.

The pledge is based on the **Four Cornerstones** which came from Rotherham children and young people with special educational needs and their families.

More information is available at www.genuinepartnerships.co.uk.

1. Purpose of this Policy

Parents have a right to educate their children outside the school system if they so wish. Elective Home Education is the term used to describe a parental decision to provide education for their children at home instead of sending them to school. This is different to home tuition provided by a local authority or education provided by a local authority other than at school (EOTAS – Education Other Than at School). Rotherham Council recognises and respects the rights of parents to electively home educate when this provides children with suitable education, promotes their well-being and where it supports them effectively into adulthood.

This Policy aims to set out Rotherham's approach to Elective Home Education and the basis for this approach. Parents and Carers should be able to read the Policy and understand rights, roles, and responsibilities in relation to Elective Home Education, alongside what they can expect from the Council. It should be clear to all partners the role they play in relation to children who are home educated, whilst maintaining regard for the legal framework that allows a parental decision to home educate their child(ren).

This Policy refers to children of compulsory school age. Although parents may elect to provide education at home to their child at any time, local authority statutory duty is relevant to compulsory school age children only.

2. Terminology

The term 'parent' is used to describe all parents and carers who have the authority to make educational decisions for their child(ren).

Elective Home Education (EHE) is the term used to describe a parental decision to provide education for their children at home instead of sending them to school.

Reference to “**Informal**” refers to support, advice, and requests for information to demonstrate that a suitable education is being provided and is prior to any action under section 437 of the Education Act.

Reference to “**Formal**” refers to notice and action served under section 437 of the Education Act.

3. Statutory framework and relevant guidance relating to Elective Home Education

Education Act 1996

The Education Act 1996 sets out at Section 7 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.

- [Elective home education - GOV.UK](#)

The Department for Education (DfE) non statutory guidance (2019) sets out expectations of Parents and Local Authorities in relation to Elective Home Education.

- [Elective home education: departmental guidance for local authorities](#) (Updated August 2024)
- [Elective home education: guide for parents](#)

Rotherham's local Policy is based upon this national guidance, which offers further advice about responsibilities in relation to Elective Home Education

- [Goodred v Portsmouth City Council | \[2021\] EWHC 3057 \(Admin\) | England and Wales High Court \(Administrative Court\) | Judgment | Law | CaseMine](#)

This 2021 High Court judgement in respect of the application of the 2019 DfE guidance has been considered in this Policy revision.

Rotherham Council recognises that the Children's Wellbeing and Schools Bill that is currently progressing through parliamentary approval may bring changes for EHE and any such changes will be assimilated into local Policy as they are made.

4. Responsibilities

a) Parents/ Carers

Parents may elect to home educate their child(ren) at any point of their compulsory school age. They must ensure that their children receive suitable and efficient full-time education, for as long as they have elected to educate them at home. This applies equally where a child has Special Education Needs, although permission must be sought from the Local Authority if a child attends a special school arranged by the Local Authority.

There are many reasons why a family may consider EHE for their children. Although not an exhaustive list, one or more of the following reasons may be a contributing factor in a parent's decision making:

- Dissatisfaction with the school system.
- A desire to ensure that a child's education aligns with the family religious or cultural beliefs.
- As a short-term intervention if a child is unwilling or unable to attend school temporarily.
- A desire for the child to be educated outside of the standard curriculum.
- Concerns relating to a child's wellbeing and ability to learn in a school environment.

- Special educational needs or concerns over lack of provision at the current school.
- Concerns for a child's physical or mental health.

Rotherham Council strongly recommends that parents consider all available advice in considering whether EHE is appropriate for their individual child and family circumstances before deciding whether to withdraw their child from the school's school admissions register. Rotherham Council recommend arranging a meeting with the child's school as part of this process of consideration.

Parents seeking to remove a child from school to home educate should notify the Head Teacher of the school in writing of the decision and to request that the child's name is removed from the school admissions register. A letter signed and dated by all adults with parental responsibility is recommended. The date is then used as the date the child should be removed from the school's admissions register and indicates the date EHE commenced.

In line with 2019 Government guidance, where a child has never attended a school, parents are encouraged to notify the LA of the EHE status of a child.

Parents electing to educate their child at home should be prepared to assume full responsibility for planning and financing education delivery.

Parental Disputes

In some cases, two parents (usually divorced or separated, but both having parental responsibility) may disagree as to whether home education is desirable or at least is being provided properly. In such cases, Rotherham Council will work to obtain full details of parental responsibility. Control over a child's education will normally fall to the parent with whom the child resides. However, if both parents have parental responsibility, both will be kept informed of any concerns relating to the child's education.

b) Rotherham Council

Rotherham Council takes responsibilities in relation to EHE very seriously, from advice and guidance where parents are considering EHE, support and assurance of suitable education where children are known to be EHE, through to taking required action where EHE is not thought to be suitable. The EHE team is comprised of a skilled group of staff who aim to build effective working relationships with families to promote the best possible outcomes for all of Rotherham's children and young people. RMBC will ensure that EHE Officers access relevant training and networking opportunities regarding EHE statutory duties, practice, safeguarding, health and safety and any other procedures and practices relevant to their EHE duties. EHE Officers will always seek to ensure that the voice of the child is heard in all decisions that are made.

Rotherham Council records all children known to be EHE within the Borough, and follows advice set out in the DfE 2019 guidance and this EHE Policy. This includes

making at least annual contact with home educating parents so the authority may reasonably inform itself of the current suitability of the education provided. This is usually through the offer of a home visit to meet with home educators to discuss the education being received by the child(ren) and offer advice and guidance about any issues raised by them. Where parents decline a visit, this preference is respected, and contact is made in writing or via the offer of a virtual visit as part of the Local Authority's informal enquiries. The EHE team exhaust all routes of informal enquiry where the Local Authority cannot be satisfied that suitable education is being received by the child(ren) before proceeding to formal enquiries.

The EHE team ensure that post 16 advice is offered to all year 11 students in order to support them in attaining a positive destination in employment, education, or training.

c) Schools

Information is regularly provided to schools to support conversations with parents who are considering EHE. Schools should provide impartial information but must not present EHE to parents as an alternative to school-based education or seek to encourage a withdrawal to EHE. This could constitute 'off rolling' if a child was subsequently withdrawn to EHE and is always challenged by the EHE team where suspected. We strongly recommend that any parent considering EHE requests a meeting with school staff to discuss this decision in depth. If parents or young people are dissatisfied with some aspect of the school provision, this can often be resolved.

All schools or other education providers must, on receipt of a parental withdrawal letter, remove the child from the school admissions register in-line with the parental notification as well as notifying the LA by the relevant means set out in the Rotherham Council EHE protocol. The only exception to this is where a child attends a special school, and the child is attending it under arrangements made by the local authority, in which case permission must be sought from the Local Authority to remove the child from the roll. These notifications must be sent through to the EHE team in the same way, but the child must remain on roll until instructed to remove.

d) Other partners

Partners, other than schools, may become aware of children who are EHE and may not be known to the LA. Partners are required to refer this information to the LA in order that the education status of the child can be confirmed, and support offered.

5. Children with Special Educational Needs

Parents' right to EHE applies equally where a child has special educational needs (SEN). This applies whether or not the child has an Education, Health & Care Plan (EHCP).

Where parents elect to home educate a child with an EHCP who is registered at a mainstream school, the school will remove the pupil from roll following receipt of written confirmation from parents that the child is being withdrawn to be educated at home. Local Authority approval is not required regardless of whether or not the child has an EHCP unless registered at a special school.

If a child is registered at a special school under arrangements made by the Local Authority, parents cannot de-register them to be home educated without permission. Parents are encouraged to contact the SEND team for advice in this instance.

Where a child who is home educated has an EHCP, the Local Authority retains a duty to maintain and review the plan annually, following the procedures set out in the SEND Code of Practice. Parents should always be involved in the review process, but 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 contact for EHE purposes.

Whilst parents have a duty to provide an education suitable to their child's age, ability, and any special educational needs, they do not have to arrange provision detailed in the EHCP. Where parents elect to home educate a child with an EHCP, this will be reflected in the plan and the Local Authority is not obliged to provide the support in the plan, as long as it believes the parents' arrangements are suitable.

6. Gypsy, Roma, and Traveller Children

Rotherham Council has an understanding of and is sensitive to the distinct ethos and needs of Gypsy, Roma, and Traveller communities.

It is important that these families who are electively home educating are treated in the same way as any other families. Home education should not be regarded as less appropriate than in other communities.

When a Gypsy, Roma or Traveller family move to the area, they are strongly encouraged to contact the Admissions Team or the Elective Home Education Team for advice and help to access local educational settings and resources.

7. What does suitable education mean in Rotherham?

The current legislative framework for EHE does not specify legal requirements as to the content of home education and acknowledges that parents' education provision will reflect a diversity of approaches, methods, and interests.

Some parents may provide education in a formal and structured manner which follows a traditional school curriculum and uses a fixed timetable that mirrors school hours and terms. Other parents may decide to make more flexible provision that is responsive to the developing interests of their child.

EHE officers appreciate families may choose to educate their child(ren) in different ways and this will be acknowledged. To aid home educators in understanding the factors that will be taken into account in considering whether the education being received by a child amounts to 'suitable, efficient and full time' Rotherham Council has developed through consultation with home educators and other partners a list of key considerations. This list is not intended to be prescriptive, and the absence of one or more of these in a child's education will not automatically mean it is unsuitable, as each child and family will be treated individually. However, the factors considered have

been informed by the DfE non statutory Guidance and are intended to provide guidance to parents on the type of assurances being sought by Rotherham Council. The individual identity of children will be considered in all decisions made by the EHE team in Rotherham. This may include, but is not limited to, Special Education Needs and Disabilities, Cultural diversity, Religion, Gender, Sexual orientation.

- The home education provision supports the child to prepare for adulthood and independence and acknowledges their aspirations, wishes and feelings.
- The programme is matched to the learner's interests and strengths.
- A range of learning opportunities are provided across a variety of subjects, topics, areas suitable to the learner's age, ability, strengths, and individual needs.
- There is a planned approach to literacy and numeracy suitable to the learner's age, ability, strengths, and individual needs.
- There are planned learning outcomes and parents are assured that progress is being made.
- Sufficient time is allocated to the home education programme, and this is appropriately supervised and supported.
- There is a safe and suitable learning environment that allows for comfortable and confident learning to take place.
- There are opportunities to develop interpersonal skills and experience social inclusion.
- Opportunities for physical activity, appropriate to the learner's ability, form part of the home education.
- The learner's physical, social, and emotional health and wellbeing are being promoted, and any risk factors are being appropriately supported.
- The learner's thoughts on the home education programme are being sought and taken into consideration.
- If any formal qualifications form part of the learner's journey to adulthood, there is a plan in place for how these will be arranged.
- Education at home should not directly conflict with the Fundamental British Values as defined in government guidance.
- If education is arranged by the parent from a third party, that the parent has assumed responsibility for ensuring that this is a suitable person(s) to have access to children, any premises being used are safe and suitable for education to be delivered in and that their child is not attending an unregistered setting. Further information about unregistered settings can be found at [Report an unregistered school - GOV.UK](#)

Flexi Schooling

Although children educated at home are not normally registered at a school, parents may wish for a child to attend school or an alternative setting to receive part of their educational provision. The purpose of this will often be to provide education in specific subjects which parents may be unable to teach at home.

It is important to note that schools are under no obligation to agree to flexi schooling but if they do agree then the child should be added to the admission register and marked as an authorised absence on the days that they are being educated at home.

8. What to expect from the EHE service

Parents considering a decision to EHE

Rotherham Council will offer advice and guidance through the provision of online information, dissemination of information resources to schools and direct contact with parents where service capacity allows.

Children who are new to EHE

Rotherham Council will offer an initial contact to new home educators to offer advice and guidance regarding EHE and seek assurance that the child(ren) is/are in receipt of suitable education. Parents are welcome to contact the EHE Officer at any point to seek advice and support but should be aware that there is no direct teaching, assessment of work, provision of learning equipment or examination arrangements available through Rotherham Council's EHE team.

Children known to be EHE

Timescales for ongoing contact with families are not set in law giving Rotherham Council staff and families the flexibility to work with a child's best interests in mind.

DfE 2019 Guidance recommends that the Local Authority '*ordinarily makes contact with home educated parents on at least an annual basis so the authority may reasonably inform itself of the current suitability of the education provided*' and Rotherham Council follows this guidance in undertaking informal enquiries. The purpose of this contact is to maintain a positive relationship, offer ongoing support and communication and seek assurance that the education provided appears suitable for the age, ability, and aptitude of the child.

Home educators are welcome to contact the EHE Officer at any stage throughout their EHE journey to seek advice and support but should be aware that there is no direct teaching, assessment of work, provision of learning equipment or examination arrangements available through Rotherham Council's EHE team.

Situations where EHE is unsuitable

Where, following informal enquiries, Rotherham Council cannot be satisfied that a child is in receipt of suitable education, parents will be asked to either provide further information that gives this assurance or apply for a school place. If neither happens, escalation to the Local Authority School Attendance Panel will take place with the intention of initiating formal action.

This formal action ordinarily takes the form of service of a notice under s.437(1) of the Education Act - *"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."*

It should be noted that Rotherham Council endeavours to avoid the need to pursue enforcement by working in partnership with parents and with the child's best interests at heart. A legal enforcement route is only ever pursued in a small percentage of cases, where all reasonable attempts have been made to seek assurance of the suitability of the education being received by the child(ren).

Children returning to school

Where home educators wish for a child to return to school or EHE is unsuitable, the EHE team will support the process of school applications and will monitor these until a place is made available. Once a school is allocated, support may be available from the EHE team to discuss and agree transition back to school. It is important to note that once a child is de-registered from a school there is no obligation on that school to offer a place back to the child if an application is made to return. Some schools are oversubscribed and may have already offered the place to another child.

9. EHE and safeguarding

The welfare and protection of all children and young people (both those who attend school and those who are educated by other means) is of paramount importance.

As with school educated children and young people, safeguarding issues may arise in relation to home educated children and young people, which can include situations where suitable education is not being received by the child, and this is impacting their intellectual, emotional, social, or behavioural development.

Officers within the EHE Team have a statutory duty to refer any concerns in relation to safeguarding in line with the Rotherham Safeguarding Children's Partnership processes.

Where a need for support is identified that does not meet the threshold for a referral to statutory services, then the EHE team will offer to liaise with other agencies to source this. This could include Family Help, Health, and Voluntary Sector services.

10. Governance

The implementation and effectiveness of this Policy will be monitored through the EHE Governance arrangements, which sit within the Children Not in School Governance Group. This is a Rotherham Council led multi agency group that meets termly and offers strategic oversight to the work of a number of key services, including the EHE team.

A termly statutory return is made to the Department for Education in relation to the number of children known to be EHE in the area.

A yearly update report will be provided to Rotherham Council's Improving Lives Select Commission.

11. Record keeping

Rotherham Council maintains a record of all children and young people known to be EHE in Rotherham and details of all contacts with home educators.

Information is kept securely and processed in line with the requirements of UK General Data Protection Regulation and Data Protection Act 2018.

Retention of records is in line with Rotherham Council's [retention and disposal of records schedule](#)

12. Review arrangements

This Policy will be reviewed formally on a three-yearly basis, with the next review due to take place in 2028.

The Policy will be reviewed prior to this date if there is any change to Department for Education guidance, the legislative framework or Rotherham Council organisation that require changes.

13. Complaints

Most concerns can be resolved informally by contacting the EHE service by emailing electivehomeeducation@rotherham.gov.uk

If this is not the case, information about [how to pursue a formal complaint can be found on the Council's website](#).

14. Glossary of Terms

Term	Definition
Elective Home Education (EHE)	A parental decision to provide education for their child at home instead of sending them to school.
Compulsory School Age	The age range during which a child must receive full-time education, typically from age 5 to 16 in England.
Education Other Than at School (EOTAS)	Education arranged by the local authority for children who cannot attend school due to health or other reasons.
Suitable Education	Education that is appropriate to the child's age, ability, aptitude, and any special educational needs they may have.
Efficient Education	Education that achieves what it sets out to do, enabling the child to learn and progress.
Full-Time Education	Education that occupies a significant proportion of a child's time, though not necessarily following school hours or terms.
Informal Enquiries	Initial, non-statutory contact by the local authority to seek assurance that suitable education is being provided.
Formal Action	Statutory procedures initiated under Section 437 of the Education Act 1996 when suitable education is not evidenced.
Section 437 Notice	A written notice served by the local authority requiring parents to demonstrate that suitable education is being provided.
Education, Health, and Care Plan (EHCP)	A legal document outlining the education, health, and social care support a child with special educational needs requires.
Special School	A school specifically designed to cater for children with special educational needs.
Flexi Schooling	An arrangement where a child receives part of their education at school and part at home, with school agreement.
Off-Rolling	The practice of unlawfully removing a pupil from a school roll.
Fundamental British Values	Values defined by the government including democracy, rule of law, individual liberty, and mutual respect and tolerance.
Unregistered Setting	An educational setting not registered with Ofsted or the Department for Education.
Post-16 Destination	The education, employment, or training pathway a young person follows after completing compulsory education.
Safeguarding	Measures to protect children from harm, abuse, neglect, and exploitation.