

# Elective Home Education for children with Education, Health and Care Plans

Policy, Guidance and Procedure

2023



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# Children and Young People who are Electively Home Educated (EHE)

## A. Definition of elective home education

1. Section 7 of the [Education Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk) places a duty on parent/s to secure full-time education for children of compulsory age that is suitable to their age ability and aptitude and to any special education needs he or she may have either by regular attendance at or otherwise.
2. Elective home education (EHE) is a term covered by Section 7 of the Education Act 1996 and is used to describe a choice by parents to provide education for their children at home, or in some other way which they choose instead of sending them to school full-time. This is different to education provided by a local authority otherwise than at a school (EOTAS/EOTAC).
3. Where a child or young person is registered at a school and the parent/s decides to home educate, the parent/s must notify the school in writing, requesting to have the child de-registered from the school's roll to electively home educate.
4. Parents who choose to electively home educate take on financial responsibility for the cost of doing so, including the cost of any external assistance used. The Local Authority no longer has a legal duty to secure education for the child or young person.
5. There are no specific legal requirements as to the content of home education, provided the parents are meeting their duty in Section 7 of the Education Act 1996. This means that education does not need to include any particular subjects and does not need to have any reference to the National Curriculum; and there is no requirement to enter children for public examinations. There is no obligation to follow the 'school day' or have holidays which mirror those observed by schools. There is also no provision in law for a 'trial period' of home education.

## B. Elective home education for children and young people with EHCPs

1. The parents' right to educate their child at home applies equally where a child has SEND. However, the Local Authority is not under any duty to make the special educational provision set out in the EHCP, but it must be satisfied that the home education provided is suitable to the child or young person's age, ability, aptitude, and SEND.
2. Local authorities should work in partnership with, and support, parents to ensure that the child or young person's special educational needs requirements are met, or where the Local Authority already knows the child or young person has SEND or the parents have drawn the children's special needs to the authority's attention. However, the LA does not have a duty under Section 22 of the Children and Families Act (2014) to assess every home educated child to determine whether they have SEND.
3. The SEND Code of Practice (paragraph 10.33) states that the parent/s must notify the school the child or young person is attending in writing that the child or young person will be electively home educated. The school is then required to forward this request to Enfield's SEND Service within 5 working days ([SEN@enfield.gov.uk](mailto:SEN@enfield.gov.uk)).
4. The school must then remove the child or young person's name from the admission register. If the child or young person attends a special school, the Local Authority must give consent for the child or young person's name to be removed and the school must await a decision in writing from the Local Authority before proceeding (paragraph 10.33 of the SEND Code of Practice 2015) see paragraphs c1, c2, c3 and c6 of this policy, practice, and guidance for further information.

5. Parent's request to electively home educate will trigger a review of the child or young person's EHCP. This must be arranged, coordinated, and chaired by the child or young person's school as soon as practicably possible. The school will invite appropriate professionals/agencies including the allocated SEND Coordinator from Enfield's SEND Service. The parent will complete a 'Request to Electively Home Education with an EHCP' form [..\EHE\Elective Home Education\Appendix EHE Request.docx](#) and this will form part of the review paperwork that will be forwarded to Enfield's SEND Team.

**NOTE:** It is a statutory requirement for the school to send the review paperwork to Enfield's SEND Service within 2 weeks of the date of the review.

6. The allocated SEND Coordinator will complete a 'Placement and Provision (PP) Panel' referral form and include the Review paperwork and the completed 'Request to Electively Home Educate with an EHCP' form completed by the parent. The allocated SEND Coordinator will be responsible for presenting the case at PP Panel.

## C. The process of consideration of elective home education for children and young people with an EHCP

1. Consideration of a request to electively home educate will be discussed and considered at Enfield's SEND Placement and Provision (PP) Panel. The Panel members will review the information provided by the parent in the 'Request to Electively Home Educate with an EHCP' form [..\EHE\Elective Home Education\Appendix EHE Request.docx](#), the special educational provision outlined in Section F of the child or young person's EHCP and decide whether they agree that it is inappropriate for the child to be educated, full time in a school.
2. In the case where the Panel members agree that home education is the right provision for the child or young person, the EHCP should make clear that the child or young person will be educated at home. If it does then the local authority, under Section 61 of the Children and Families Act 2014, must arrange the special educational provision set out in the EHCP, working with the parents. This we refer to as 'Education Other than at School or College (EOTAS/EOTAC).
3. In the case where the Panel members do not agree that home education is the right provision for the child or young person but are satisfied that the arrangements made by the parents are suitable, Section I of the EHCP will name the type of school that would be suitable but state that parents have made their own arrangements for education under Section 7 of the Education Act 1996.

The allocated SEND Coordinator will provide the parent and school with a decision in writing, alongside an amended proposed EHCP within 4 weeks of the date of the Review. An amended final EHCP will be sent within 12 weeks of the date of the Review.

Once the Final EHCP is issued, the allocated SEND Coordinator will arrange a handover meeting with the SEND Coordinator for the LAC and Vulnerable Groups. The case will be handed over to the SEND LAC and Vulnerable Groups Team to oversee.

4. If the Panel members are concerned that the special educational provision provided by parent is not suitable to the child or young person's age, ability, aptitude, and SEND, arrangements will be made for the allocated SEND Coordinator and the SEN Advisor from Enfield's School and Early Years Improvement Services to visit the parent at home to further consider the special educational provision on offer and support the parent to make suitable provision.

The Local Authority do not have the right of entry to the family home to check that the provision being made by the parents is appropriate and may only enter the home at the invitation of the parents. If deemed more appropriate, a virtual meeting could be arranged.

Parents should be encouraged to see this process as part of the authority's overall approach to home education of pupils with SEND, including the provision of appropriate support, rather than an attempt to undermine the parents' right to home educate. It should not be assumed that because the provision being made by parents is different from that which was being made or would have been made in school that the provision is necessarily unsuitable.

5. If the child was attending a mainstream school prior to being de-registered, the allocated SEND Coordinator will provide the parent and school with a decision in writing (advising of the visit that will be arranged), alongside an amended proposed EHCP within 4 weeks of the date of the Review. An amended final EHCP will be sent within 12 weeks of the date of the Review.

**NOTE:** The visit will take place alongside the above process and should not cause delays with the EHCP being issued within the statutory timeframes.

Findings from the visit will be taken back to Enfield's SEND Placement and Provision Panel for consideration and views. It is the responsibility of the allocated SEND Coordinator to re-present the case at the PP Panel.

If the Panel conclude that, even after providing support and advice, the provision that is, or could be made for the child or young person with an EHCP does not meet the child or young person's needs and is considered 'unsuitable' education, the SEND Code of Practice 2015 (paragraph 10.36) states that the Local Authority is required to intervene through the school attendance framework.

6. A School Attendance Order (SAO) will be issued under Section 443 of the [Education Act 1996](http://www.education.gov.uk/) ([legislation.gov.uk](http://www.education.gov.uk/)) and will direct parent/s and carers to send their child to a specified school. The parent or carer must show that education at a school or otherwise is in place within a specified time period (no less than 15 days from the date the notice is issued). The serving of a school attendance order is a last resort if all attempts to improve provision are unsuccessful.
7. If the child or young person is on roll at a special school prior to a request to be de-registered, and the Panel are of the view that the education provided is unsuitable to the child or young person's age, ability, and aptitude and to any SEND he or she may have, it will be decided that they will remain on roll at the special school.

The allocated SEND Coordinator will inform the parent and school of the decision in writing alongside a letter that will advise the parent that the LA will maintain the EHCP, within 4 weeks of the date of the review. If the parent/s are unhappy with Local Authority's decision, they may exercise their right to mediation/Tribunal. The details of this will be in the letter that will accompany the amended final EHCP.

## D. Annual Review of an EHCP for children and young people who are EHE

1. All EHCPs that identify children and young people as being electively home educated will be overseen by the Looked After Children and Vulnerable Groups Team.
2. Enfield's SEND Looked After Children and Vulnerable Groups Team will hold an up-to-date record of the number of children with EHCPs who are being electively home educated. The record will include the date of the most recent EHCP and the date the following review is due.
3. EHCPs for those who are electively home educated will be reviewed annually to ensure that the provision remains appropriate.

The Case Officer for the Looked After Children and Vulnerable Groups is responsible for notifying the Coordinator for the Looked After Children and Vulnerable Groups that a review is due at least 8 weeks before the review is due.

The Coordinator for the Looked After Children and Vulnerable Groups is responsible for arranging, coordinating, and chairing the review within 12 months of the previous review. They are also responsible for ensuring relevant professionals and agencies are invited.

4. The SEN Advisor from Enfield's School and Early Years Improvement Services will attend all reviews for children and young people with EHCPs who are electively home educated. They are responsible for ensuring that they review the special educational provision provided by the parent ahead of the review and that they provide a report of their findings to Enfield's SEND Service ([SEN@enfield.gov.uk](mailto:SEN@enfield.gov.uk)) within 2 weeks of the date of the review. This will form part of the review paperwork.
5. The SEND Coordinator for the Looked After Children and Vulnerable Groups is responsible for processing the review paperwork and ensuring that a decision is made within 4 weeks of the date of the review. If the decision is to amend, an amended proposed EHCP must accompany the decision letter. An amended final EHCP must be issued within 12 weeks of the date of the review. Section I of the EHCP will name the type of school that would be suitable but state that parents have made their own arrangements to electively home educate, under Section 7 of the Education Act 1996.
6. If following the review of the EHCP, the SEND Coordinator and the SEN Advisor from Enfield's SEN School and Early Years Improvement Services become concerned that the special educational provision provided by the parent is no longer suitable to the child or young person's age, ability, and aptitude and to any SEND he or she may have, the SEND Coordinator will be responsible for presenting the case at Enfield's SEND Placement and Provision Panel which will include the views of the SEN Advisor. The SEND Coordinator must ensure that the case is heard at the panel as soon as practicably possible and within 4 weeks of the date of the review.
7. If the Panel are concerned with the special educational provision provided, arrangements will be made for the SEND Coordinator and the SEN Advisor from Enfield's School and Early Years Improvement Services to visit the parent at home to further consider the special educational provision on offer and support the parent to make suitable provision. The SEND Coordinator is responsible for re-presenting the findings at Enfield's SEND Placement and Provision Panel.

**NOTE:** The above process should run alongside the review process and should not delay the statutory timeframes of the annual review of an EHCP.

8. If the Panel members conclude that, even after providing support and advice, the provision that is, or could be made for the child or young person with an EHCP does not meet the child or young person's needs and is considered 'unsuitable' education, the SEND Code of Practice 2015 (paragraph 10.36) states that the Local Authority is required to intervene through the school attendance framework. The serving of a school attendance order is a last resort if all attempts to improve provision are unsuccessful.

A School Attendance Order (SAO) will be issued under Section 443 of the [Education Act 1996](http://www.education.gov.uk/) ([legislation.gov.uk](http://www.education.gov.uk/)) <http://www.education.gov.uk/> and will direct parent/s and carers to send their child to a specified school. The parent or carer must show that education at a school or otherwise is in place within a specified time period (no less than 15 days from the date the notice is issued). The serving of a school attendance order is a last resort if all attempts to improve provision are unsuccessful.

## E. Ceasing EHCPs for children and young people who are electively home educated

1. An EHCP for a child or young person who is electively home educated may be ceased if special educational provision is no longer required or outcomes identified in Section E of EHCP have been met.
2. Ceasing an EHCP for a child or young person who is electively home educated must take place following the annual review process of the EHCP see section *d. Annual Review of an EHCP for children and young people who are EHE*
3. The SEND Coordinator for the Looked After Children and Vulnerable Groups is responsible for completing a referral form and presenting the case at Enfield's SEND Placement and Provision Panel. They must ensure this is done as soon as practicably possible and within 4 weeks of the date of the review.

## F. Safeguarding commitment

The LA has a duty of care to children who are being electively home educated with an EHCPs. If concerns are raised that a child or young person's safety or wellbeing is comprised, or it is felt that the child or young person may be at significant risk, the allocated SEND Coordinator will speak to their line manager or another member of the senior leadership team without delay. If appropriate, they will refer to the Children's MASH (Multi-Agency Safeguarding Hub) using the Children's Portal <http://www.enfield.gov.uk/childrensportal>

MASH is equipped to identify the level of risk and needs of children and where necessary, rely on multi-agency information sharing process to form an informed decision about the most appropriate response that needs to be taken

Telephone: 020 8379 5555, Monday to Thursday from 9am to 5pm, Friday 9am to 4:45pm. Out of office hours on 020 8379 1000 (select option 2 and you will be transferred to an advisor). You can also email [childrensmash@enfield.gov.uk](mailto:childrensmash@enfield.gov.uk).

If you are concerned that the child or young person may be in immediate risk or danger, you must dial 999

## G. Concerns and complaints

The child, young person, or their parents/carers are entitled to raise any concerns about the contact/support received by the Local Authority. In the first instance, it is helpful to discuss any concerns with the allocated SEND Coordinator who will work to resolve these. However, if a child, young person, parent/carer wishes to escalate their complaint further, this can be done by submitting a complaint via the corporate complaints' procedure.

## H. Additional reading

1. Link to further reading
  - i. Elective Home Education: guidance for Local Authorities [Elective home education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
  - ii. Elective Home Education: guidance for parent [Elective home education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
  - iii. Elective Home Education: revised funding information for local authorities [Elective home education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
2. Reference to legislation used
  - i. [Education Act 1996 \(legislation.gov.uk\)](http://www.legislation.gov.uk)
  - ii. [Children and Families Act 2014 \(legislation.gov.uk\)](http://www.legislation.gov.uk)
  - iii. [SEND code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
  - iv. [National curriculum - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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