



# Hounslow Local Authority Elective Home Education Policy and Procedure

May 2024

Following the Publication of the Elective Home Education  
Departmental Guidance for Local Authorities and Elective  
Home Education Departmental Guidance for Parents

## Contents

<b>1.Introduction</b>	<b>3</b>
<b>2.Policy Statement</b>	<b>3</b>
<b>3.The Law relating to Elective Home Education</b>	<b>4</b>
<b>4. Parental Rights, Responsibilities and Considerations</b>	<b>4</b>
<b>5.The Local Authority’s Responsibilities</b>	<b>5</b>
<b>6. Responsibilities of Schools in Hounslow</b>	<b>7</b>
<b>7. Elective Home Education and Safeguarding</b>	<b>8</b>
<b>8. Support, Guidance and Resources Provided by Hounslow Local Authority</b>	<b>9</b>
<b>9. Hounslow Local Authority’s EHE Procedures</b>	<b>10</b>
<b>10. Where formal notice is required</b>	<b>11</b>
<b>11. Elective Home Education and Special Needs in Hounslow</b>	<b>12</b>
<b>12. Hounslow Local Authority EHE Service</b>	<b>13</b>
<b>13. Review and Evaluation</b>	<b>13</b>

## Appendices

[Appendix 1 – School Attendance Orders](#)

[Appendix 2 – ‘Suitable’ Elective Home Education](#)

[Appendix 3 – Registration form for Parents](#)

[Appendix 4 – Information form for Schools](#)

[Appendix 5 – Education Outline Plan](#)

## 1. Introduction

1.1 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents<sup>1</sup> at home, rather than providing education for their children by 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 a school. It is recognised that parents may choose home education for a variety of reasons.

1.2 This document sets out our recently reviewed policy and procedures to enable London Borough of Hounslow Local Authority (LBH) to comply with its duties towards children and young people living in Hounslow whose parents have elected to educate them otherwise than at school. It is published for parents, schools, and other agencies with an interest in elective home education.

## 2. Policy Statement

2.1 The DfE “Elective Home Education Guidelines for Local Authorities”, published in April 2019, emphasises the importance of Local Authorities building effective relationships with home educators that function to safeguard the educational interests of children and young people: to ensure relationships are rooted in genuine mutual understanding, trust, and respect.

2.2 This revised policy seeks to build improved relationships with home educators and provide a means to effectively protect the educational and safeguarding interests of children being electively home educated where vulnerabilities are identified. The LA recognises that there are many approaches to elective home education and parents/carers education provision will reflect a diversity of approaches which will be respected.

2.3 Parents/carers who have chosen to or are considering educating their child/ren outside the school system may find it useful to read this policy, but it is primarily the DfE Elective Home Education ‘Guide for parents’ document that is intended to provide information and advice to parents/carers on how to proceed, what to consider and who to contact for further support and advice.

2.4 In most cases, the Elective Home Education Team carries out the LA duties regarding EHE. Contact details for the EHE Team are:

EHE Team  
Hounslow House  
7 Bath Road  
Hounslow  
TW3 3EB

[ElectiveHomeEducation@hounslow.gov.uk](mailto:ElectiveHomeEducation@hounslow.gov.uk)

020 8583 5419

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<sup>1</sup> The term “parent”, unless the context otherwise requires, in relation to a child or young person, includes any person - (a) who is not a parent of his but who has parental responsibility for him, or (b) who has care of him, except that in [section 499(8), Education Act 1996] it only includes such a person if he is an individual.

### 3. The Law relating to Elective Home Education

3.1 The definition within section 7 of the Education Act 1996 provides that:

*“ The parent of every child of compulsory school age shall cause him/her to receive efficient full-time education suitable-*

*(a) to his/her age, ability, and aptitude, and*

*(b) to any special educational needs, he/she may have, either by regular attendance at school or otherwise.”*

3.2 An ‘**efficient**’ and ‘**suitable**’ education is not defined in the Education Act 1996 but ‘efficient’ has been broadly described in case law as education that ‘*achieves that which it sets out to achieve*’ and a ‘suitable’ education is one that ‘*primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child’s options in later years to adopt other form of life if he wishes to do so.*’

3.3 There is no legal definition of what constitutes a “full-time” education. Children normally attend school for between 22 and 25 hours a week for 38 weeks of the year, which many parents/carers who are EHE find a useful guide, but there is not set number of hours that EHE must take place. Measurement of “contact time” in this way is not relevant in the context of elective home education, where the child often has continuous one to one contact with the educator and the types of educational activity which the child follows may be varied and flexible. ECHR Article 2 of Protocol 1 confers the fundamental right to an effective education, and relevant case law<sup>2</sup> also confers very broad discretion on the state in how this is to be implemented. For example, a Local Authority may specify requirements as to effectiveness in such matters as literacy and numeracy, in deciding whether education is suitable, whilst accepting that these must be applied in relation to the individual child’s ability and aptitudes<sup>3</sup>.

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

### 4. Parental Rights, Responsibilities and Considerations

4.1 Parents have a legal right to educate their child at home and are not required to have any qualifications or training to provide their children with a suitable education. The 1996 Education Act makes clear that it is a parent’s duty to ensure child receives suitable education in accordance with section 7<sup>4</sup>. In addition, the Act provides that, generally, children are to be educated in accordance with the wishes of their parents.

4.2 For children who have never attended school, parents are not required to inform LBH that they intend to elect or have elected to home- educate. They are not required to seek approval from the Local Authority unless the child has an Education Health Care Plan and attends a special school (4.3a).

4.3 Parents whose child is enrolled at a school are advised to write to the Headteacher to inform them that they elect to home educate, unless:

<sup>2</sup> E.g., Konrad v Germany (2006) European Court of Human Rights app. 35504/03

<sup>3</sup> DfE Elective Home Education Departmental Guidance for Local Authorities page 31

<sup>4</sup> Section 7 of the 1996 Act requires parents to provide an efficient, full-time education suitable to the age, ability and aptitude of the child and any special educational needs which the child may have.

a) the school is a special school named on the child's Education, Health & Care Plan, in which case parents are required to seek approval from LBH first.

b) where a child is enrolled at a school in accordance with a school attendance order when the authority must revoke the order (or amend it to replace the school with a different school) before the child can be removed from the roll.

Parents whose child is not enrolled at a school have no obligation to inform LBH that they are home educating their child, however the Local Authority encourages contact with all home educating families and may make enquiries with the parents. The registration form can be found on our website or here:

<https://forms.office.com/e/gYUd84N0Ei>

4.4 Although parents **must** provide education in accordance with section 7, (see paragraph 3.1 above), the type of educational activity can be varied and flexible.

Recommendations parents may consider, but are not required to:

- teach the National Curriculum
- prioritise numeracy and literacy skills
- 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 completed by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school based, age specific standards

4.5 Parents may arrange for other people to tutor their child, though parents themselves continue to be responsible for the education provided. It is recommended that parents ensure that such people are qualified and suitable by conducting safeguarding and health and safety checks such as, Disclosure and Barring Service (DBS) checks and ensuring they have the relevant insurance.

4.6 Parents who elect to home-educate assume full financial responsibility for their child's education, including the costs of private tuition, courses, and public examinations. However, colleges can claim the cost of course fees directly from the Education Skills Funding Agency on an individual basis for home educated young people under 16, when parents and colleges are able to reach suitable individual arrangements. These individual arrangements are not brokered through the Local Authority but directly between parents and colleges.

## 5.The Local Authority's Responsibilities

Hounslow Local Authority supports and encourages parents who opt to educate their child at home. Article 2 of Protocol 1 of the European Convention on Human Rights states that:

*No person shall be denied the right to an education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical conviction.*

5.1 LBH has a statutory duty, under section 436A of the Education Act 1996 to make arrangements to enable them to establish (so far as it is possible) the identities of children in their area who are not receiving a suitable education. This duty applies to all children of compulsory school age who are not on a school roll and do not appear to be receiving a suitable education other than being at school.

5.2 This duty applies in relation to children of compulsory school age who are not on a school roll and when the LA does not know if a child is receiving a suitable education otherwise than being at school. The parents/carers of all children identified as such will receive a letter from the LA, outlining the LAs procedures in relation to EHE.

5.3 It is appropriate that parents and children choose a type of education that is right for them. It is equally important that the EHE team understand and are supportive of the many differing approaches or "ways of educating" which are all feasible and legally valid. The role of the EHE Team is to respond to concerns that a child is not receiving suitable education for his or her age, ability, and aptitude and, where appropriate, to provide support and information for parents. It is not the role of the EHE Team to tell parents how to educate their children.

Where there is ambiguity in making a judgement defining the suitability of the education, Hounslow will refer to the UN Convention of the Rights of the Child. Article 28 & 29 and as a minimum will expect to see evidence of literacy and numeracy progress.

In 2001 the **Committee on the Rights of the Child**, the body of experts that monitors the implementation of the Convention, published a paper (called a General Comment) that explains and elaborates on the right to an education.

General Comment 1 - Annex 9 states:

‘Article 29 (1) underlines the individual and subjective right to a specific quality of education’.

Education must include not only literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner and develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their life options.

(Hounslow acknowledge that the **UN Convention of the Rights of the Child** must be seen as a whole and that articles 28 and 29 should not be looked at or considered in isolation).

5.4 A further statutory duty exists, which requires LBH to serve a formal notice under section 437 of the Education Act 1996, if it appears that a child of compulsory school age is not receiving a suitable education but prior to initiating any legal interventions the LA will endeavour to work with parents/carers and will seek to gather any relevant information that will assist the LA in reaching an informed decision on whether the education being provided is suitable or not.

5.5 In addition, to minimise the possibility of any unnecessary legal action, there is an Elective Home Education Coordinator (EHEC) who will usually arrange to meet with all families after the LA being informed that a child is being home educated. This will allow the family to discuss home education and its implications and share their established preferred method of teaching and learning, although it is accepted that they may change their approach over time.

5.6 Following any contact with parents/carers, the LA will write to them stating whether the LA has any concerns about the education provision and specifying what the concerns are. Parents/Carers will be given the opportunity to address any concerns that the LA has.

5.7 Where concerns about the suitability of the education have been identified, more frequent contact between the LA and parents/carers may be arranged while the concerns are being addressed. This contact is likely to be with the Elective Home Education Advisory Teacher (EHEAT)

The timing of contact will be discussed and agreed with parents/carers. If there are no concerns, annual contact will be offered.

5.8 The advisory teacher will discuss provision with parents/carers and can offer advice on providing a suitable education that meets the best interests of the child but will not stipulate a type of learning or curriculum. The advisory teacher may ask to make a home visit to discuss the education provision – parents/carers are not required to grant access to their home so a meeting can be arranged at an alternative venue.

5.9 If, after all reasonable steps have been taken to consider the situation, the LA believes that there is insufficient evidence that a suitable education is being provided by the parents/carers, and a Notice (which gives no less than 15 days to respond) has been served the LA may serve a School Attendance Order under Section 437(3) of the Education Act 1996.

*If -*

*(a) a parent on whom a notice has been served under subsection (1) fails to satisfy the local authority, within the period specified in the notice, that the child is receiving suitable education, and*

*(b) in the opinion of the authority it is expedient that the child should attend school,*

*the authority shall serve on the parent an order (referred to in this Act as a “school attendance order”), in such form as may be prescribed, requiring him to cause the child to become a registered pupil at a school named in the order.*

5.10 The LA is required to undertake this formal, statutory action if sufficient evidence of the suitability of education cannot be established (under s437 of the Education Act 1996)

5.11 At any stage after a School Attendance Order (SAO) has been issued a parent can present information to show suitable education is being provided, the SAO can be revoked.

5.12 The LA has no legal power or duty to monitor home education on a routine basis although the Local Authority will make enquiries if it is not clear that a child is receiving suitable education. The Local Authority sees its role in relation to home education as part of its wider responsibilities, including safeguarding, to all the children in its area.

## **6. Responsibilities of Schools in Hounslow**

6.1 There is no legal requirement for parents to discuss home education with the school, however, if a parent does approach the school to discuss the possibility of home educating, LBH expects the school to respond positively and constructively. If parents are considering home education because of a dispute with the school, the Local Authority expects the school to take all necessary steps to resolve the issue. The school should signpost the parent to the EHE service for further advice and guidance to enable them to make an informed choice. School’s response to parents’ requests to EHE is likely to be scrutinised by the Local Authority.

6.2 Departmental guidance for local authorities April 2019 (10.4) make it explicit that:

*‘Schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them.’*

The Local Authority will contact electively home-educating parents who remove their child from a school roll. If it is found that a parent has been 'encouraged' by a school to remove their child from roll for the purposes of elective home education, this will be challenged, and the child reinstated on roll when appropriate with parental consent, whether the vacant place has been filled or not.

When a parent reports that they have been encouraged to remove their child from roll for the purposes of elective home education and then finds that they are unable to cope with the commitment, the expectation is that they work with the EHE co-ordinator and Admissions and complete an in-year admissions form.

6.3 When a school receives formal, written notice from a parent, that a child is being withdrawn from school to be home-educated and the child has ceased to attend the school, the Headteacher should ensure that the pupil's name is removed promptly from the admissions register in accordance with Education (Pupil Registration) (England) (Amendment) Regulations 2016. Section 5, paragraph 6:

*"Where the name of a pupil is to be deleted from the admission register, the proprietor must make a return to the local authority for that pupil as soon as the ground for deletion under regulation 8 is met in relation to that pupil, and in any event no later than the time at which the pupil's name is deleted from the register."*

6.4 In practice to comply with the Regulations, the school must inform LBH of any child leaving school as soon as a school removes a child from the school register. This enables LBH to complete timely checks on children and address any risks identified. In the interests of the family, recommended good practice would be for the school to allow a period of 10 school days after deletion of the name from the school register, for the parents to reflect on their decision having sought further advice and support and to change their mind if they so wish.

6.5 The school is responsible for raising any safeguarding concerns relating to a child directly with LBH Elective Home Education Team as soon as possible. Home Education is not, in itself, a safeguarding concern.

Schools can inform the LA using this information form:

<https://forms.office.com/e/Z2Bfd77EfC>

6.6 The school must retain the child's school file. Parents can request a copy of this file from the school to assist them in planning their child's education.

## **7. Elective Home Education and Safeguarding**

7.1 The welfare and protection of all children, both those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community. Section 175 of the Education Act 2002 imposes a duty on the Local Authority to make arrangements for ensuring that the functions conferred on them are exercised with a view to safeguarding and promoting the welfare of all children resident in Hounslow.

7.2 The EHE Team, including the Safeguarding Advisor, will always follow Hounslow Children Safeguarding Partnership (HCSP) safeguarding procedures. They will work with relevant agencies and individuals to proactively safeguard and promote the welfare of children. In the event of any concerns about the welfare of a home educated child, the team will initiate and follow established procedures. Children's services will work collaboratively to proactively safeguard and promote the welfare of children which will include sharing information with GPs, health visitors and other health professionals in the interest of a child or young person.

7.3 The EHE Team and Safeguarding Advisor will follow HCSP guidance if there are any concerns regarding a child or young person and will explain the reasons for any welfare concerns to the parents in accordance with referral procedure.



7.4 LBH acknowledge that parents can declare 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 a child in need, the conference chair/ chair of the child in need meeting will make clear that if the parent/carer has already declared EHE, or states an intention to do so, the risk will be re-considered in light of this information with the likelihood that the child could be considered unsafe as a consequence. The EHE team will immediately contact the allocated social worker should they be informed that a child open to children's social care has elected to home educate.

On receipt of a declaration to EHE, the Conference Chair (CP) or the Team Manager or the CIN Review Chair will

- If necessary, ensure the plan is changed or reviewed to protect the child at the next Child Protection Conference, Core Croup or Child in Need meeting.
- Consider if a strategy discussion is required.
- Outline what harm is likely.
- Assess the risk to the child, to include health and well-being and record how the risk is increased as a result of continuing to or starting to educate the child at home and record this within the minutes of the meeting.
- Assess the family's EHE Outline Plan.
- Consult with education colleagues and the previous school.
- Amend the plan to reflect the necessary actions that need to be taken, which may include the referral to Fair Access to identify a school place. Where education provision is not immediately available, or the risk assessment indicates that EHE is acceptable, the above professionals and allocated social worker will ensure that the plan will include increased home visits to regularly check that the child is safe whilst not in education and that annual visits from the EHE team will form part of any future agreement with the family should the case be 'stepped down'.

### **Children in care**

Not all children will be under the care of their biological parents. Some may live with other relatives or adults under special guardianship orders or as a foster child. Where home education is declared for a child known to be in the care of adults other than their biological parents, LBH will seek to confirm the declaration has been made by adults with the legal right to do so. This will include contact with LBH's Virtual College, Corporate Parenting, and our safeguarding service. Doing so will ensure awareness of a child in care being removed from school for home education. Should this give cause for concern from these service areas, LBH's EHE Service will work in partnership to share information on the progress and outcome of enquiries regarding the child's home education. Where a child in care has been placed in Hounslow by another Local Authority, LBH will engage with that Local Authority in line with its in-borough practice.

### **Children moving between boroughs**

The EHE team will always refer a child or young person when they move boroughs to the home education team in the receiving borough. Should the child be open to children's services, the EHE team will inform the relevant EHE team and children's social care.

## **8. Support, Guidance and Resources Provided by Hounslow Local Authority**

8.1 Hounslow Local Authority embraces diversity and respects individual choice. The EHE Team recognises that parents of all educational, social, racial, religious, and ethnic backgrounds successfully educate children outside the school setting.

8.2 The Elective Home Education Support and Advice 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.
- Promoting positive relationships with elective home education families based on mutual understanding, respect, and trust to safeguard the educational interest of children.
- Referring to other agencies, such as Children’s Integrated Services 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.

## 9. Hounslow Local Authority’s EHE Procedures

### 9.1 Administration

Within 5 school days of confirmation from a school, via Admissions or directly from a parent, that a child is being home educated, the EHE team will:

- Update Synergy to reflect home education.
- Upload the Parents withdrawal letter (clearly stating they have elected to home educate their child) to the child’s personal electronic file.
- Check EMS/LCS database or liaise with Children’s social care to identify if the child is subject to an Early Help Assessment, Child in Need, or Child Protection Plan (open or closed) or an EHCP plan.
- Request the school to complete the EHE registration form. Check for siblings.
- Send parental information form acknowledging the parent’s intention to Home Educate.

The team will collate data which will identify any trends or patterns regarding children who are removed from a school roll to home educate and highlight any perceived unlawful practices by schools and report to the Headteacher in the first instance, and collectively in the Annual Report to the Schools Adjudicator.

#### Notes:

- a) EHE registrations will not be processed for Year 11 Children from the end of term 5. These pupils will be recorded as Not in Education, Employment or Training as these pupils are no longer statutory school age.
- b) EHE registrations will not be processed for children who have returned to school following a School Attendance Order being issued where the home education being provided was deemed unsuitable, and/or where they were returned to school through the in-year admissions process. These children will be recorded as Children Missing Education unless there is evidence of a substantive change in circumstances.

## 9.2 EHE Support

The EHE Coordinator will contact the parent to offer an initial discussion regarding the plan for the child's education at home and signpost the parent to resources and local groups.

The aim of the discussion will be to initiate a positive and constructive relationship with parents. Parents may exercise their right not to allow the Local Authority access to the home or the child.

DfE guidance for local authorities April 10 (6.5) states:

***'Parents are under no duty to respond to such enquiries, but if a parent does not respond, or responds without providing any information about the child's education, then it will normally be justifiable for the authority to conclude that the child does not appear to be receiving suitable education and it should not hesitate to do so and take the necessary consequent steps. This is confirmed by relevant case law'<sup>5</sup>***

Parents are not obliged to accept a visit from the Local Authority; however, they are encouraged to do so, and a meeting can be held at a mutually convenient time and place if the family prefer not to hold the visit in their home.

9.3 Following a visit, the EHE coordinator will:

- Discuss the timeline for the next visit with parents.
- Update running record.
- Send the completed visit record to the EHE Lead and save a copy in the child's personal file.

9.4 The frequency and format of meetings will be determined by factors such parental request, need or opinion, progress of child or young person, evaluation of circumstances by EHE coordinator of young person or quality of provision. The intention of the EHE coordinators is to visit each family at least annually.

## 10. Where formal notice is required

Where no other information suggests that the child is being suitably educated, because there is no information provided, and where the parents have refused to respond to the LA, the only conclusion which an authority can reasonably come to, is that the home education does not appear to be suitable.

10.1 Where it appears to the EHE coordinator or the advisory teacher that a suitable education is not taking place, reasonable steps to resolve the situation will be taken by LBH before the SAO statutory process is commenced:

- A letter outlining the concerns will be sent to the parents, specifying grounds for concerns and identifying reasons to conclude that the provision is unsuitable.
- Allow the parent the opportunity to address the identified issues and recommendations for improvements within a mutually agreed timescale (no longer than six weeks, equating to a half term). These should be discussed and agreed with the parent and confirmed in writing by the EHE team. Parents must satisfy the LBH that their child is receiving education suitable to his/her age, ability, and aptitude and to any special educational needs he/she may have.

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<sup>5</sup> *Phillips v Brown* [1980] Lexis Citation 10

- After the agreed timescale for improvement, if the education is still believed to be unsuitable by the EHE team, the EHE Team will write to the family advising them that they are referring to Children Missing Education who will contact the family to encourage them to engage with the EHE Team before issuing a formal notice under section 437 of the Education Act 1996. If the parent does not comply with the notice, they will receive a notification that a School Attendance Order will be issued. This notice will name a school the Local Authority deems to be suitable and allow the parent 15 days to propose alternatives. If the parent does not engage or does not make satisfactory arrangements elsewhere, the Local Authority will issue a School Attendance Order (SAO) in accordance with its stated intention.

This notice indicates the Local Authority's intention to formally order the parent to register the child at a school. It will identify school(s) the Local Authority deems suitable and allow the parent 15 days to propose alternatives. If the parent does not respond, or does not make satisfactory arrangements elsewhere, the Local Authority may issue a School Attendance Order (SAO) in accordance with its stated intention.

Failure to comply with a SAO is a criminal offence for which the parent(s) can be issued with a penalty notice or prosecuted in the Magistrates' Court.

10.2. At any stage following the issue of a SAO, parents may present evidence to the Local Authority that they are now providing suitable education and apply to have the Order revoked. If this is refused, parents can choose to refer the matter to the Secretary of State for Education. If as a last resort, the Local Authority prosecutes parents for failure to comply with a SAO, the parents may be acquitted if they can prove that the child was receiving a suitable education otherwise than at school at the time of the offence. If the parents are acquitted, the court may direct that the SAO shall cease to be in force.

When a child is referred to Children Missing Education, if the parent informs CME that they are providing an education (e.g., family have moved) they will be asked to make urgent contact with the EHE Team, who will advise if they are providing a suitable education. If contact is not made CME will continue with the process of issuing a School Attendance Order, the record will be closed to EHE and opened as a CME. This role discharges the Local Authority's duty to children missing education.

## **11. Elective Home Education and Special Needs in Hounslow**

Parents' right to educate their child at home applies equally where a child has an Education, Health and Care Plan (EHCP). Parents of any child subject to the statutory provisions of an EHCP are considering whether to make their own arrangements should discuss this with their child's school SENCO and or the named SEN Caseworker to ensure that they are fully aware of alternatives (amended provision and/or change of placement) and their SEN statutory rights of appeal.

Parents considering to Electively Home Educate may wish to familiarise themselves with paragraphs 10.30 to 10.38 of the SEND Code of Practice January 2015.

11.1 Parents' right to educate their child at home applies equally where a child has an Education, Health and Care (EHC) plan. Under Section 42 of the Children and Families Act (2014) the Local Authority is responsible for securing the specified special education provision within a child's Education, Health and Care Plan, (EHCP), however this only applies if the child's parents have not arranged a suitable education in some other way.

11.2 Where a child or young person is a registered pupil at a school the parent **must** notify the school in writing that the parents intend to educate other than at school. The school **must** then complete EHE registration form (Appendix A) and remove the pupil's name from the admission

register. However, the school should be minded that while they are named on the EHCP section 66 of the Children and Families act, imposes a duty on the appropriate authority<sup>6</sup> to 'use its best endeavours to ensure that the special educational needs are met'. The school needs to contact their LBH SEN Officer to inform them of the change in the child/young person's circumstances.

If the school is a special school, LBH **must** give consent for the child's name to be removed.

11.3 Where a child or young person is a registered pupil and the parent decides to home educate, schools/academies should as good practice, call an early review as soon as they are aware of the parent's intention.

The Local Authority has a duty to review Education, Health and Care Plans (EHCP) annually, following procedures set out in the '**SEND code of practice: 0 to 25 years**. Annual Review meetings for electively home educated children will be convened and chaired by the SEN Casework Officer, parents are welcome to be present during the review, but they are not obliged to do so.

11.4 In order to assess whether home provision is suitable for the special education needs of the child, parents will be asked to provide information regarding the home education provision. The Local Authority will only be relieved of its duty to arrange the provision specified in the child's EHCP if it is satisfied that the parents' arrangements are suitable.<sup>7</sup>

11.5 If the Local Authority is satisfied with the parents' arrangements it will continue to have a duty to maintain and review the EHC plan annually until it decides to cease the EHCP or the EHCP is transferred to another Local Authority.

11.6 In cases where local authorities and parents agree that home education is the right provision for a child or young person with an EHCP, the plan should make clear that the child or young person will be educated at home.

11.7 Where it appears to the Local Authority that a child is not receiving education suitable to age, ability and aptitude and SEN, the procedures set out in 10.1 will be followed. If the EHCP remains in place, it will be maintained and reviewed annually and amended where appropriate.

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

## **12. Hounslow Local Authority EHE Service**

12.1 EHE Officers must ensure that all reasonable care is taken to ensure their safety, be advised by any risk assessment information and report any concerns over health, welfare and safety issues to their manager in the first instant. They will adhere to all elements of LBH Lone Working Policy consistently.

## **13. Review and Evaluation**

This policy and procedure will be reviewed in 2025, or as required should legislative amendments be realised. Consultation with home educators will take place where there are significant changes to policy or procedure. The voice of parents and children/young people, through the EHE service, also informs developments. Hounslow Local Authority is committed to securing an effective

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<sup>6</sup> Section 42 CAF 2014 (5) Subsections (2) and (3) do not apply if the child's parent or the young person has made suitable alternative arrangements.

<sup>7</sup> 10.33 SEN Code of Practice 2015 (8) Therefore if the home education is suitable the local authority has no duty to arrange any special educational provision for the child.

partnership with home educators based on respect, consent (within the parameters of safeguarding legislation) and with the best interest and rights of the child at the centre.

## References

- Education Act 1996 [www.legislation.gov.uk/ukpga/1996/56/contents](http://www.legislation.gov.uk/ukpga/1996/56/contents)
- Education Act 2002 [www.legislation.gov.uk/ukpga/2002/32/contents](http://www.legislation.gov.uk/ukpga/2002/32/contents)
- Special Educational Needs Code of Practice 2015  
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- The Education (Pupil Registration) (England) (Amendment) Regulations 2016  
[www.legislation.gov.uk/uksi/2016/792/contents/made](http://www.legislation.gov.uk/uksi/2016/792/contents/made)
- The Education (Pupil Registration) (England) Regulations 2006  
[www.legislation.gov.uk/uksi/2006/1751/contents/made](http://www.legislation.gov.uk/uksi/2006/1751/contents/made)
- DFE EHE guidance for Parents and Local Authorities  
<https://www.gov.uk/government/publications/elective-home-education>
- European Court of Human Rights Article 2 Amended 2 April 2019  
[https://www.echr.coe.int/Documents/Guide\\_Art\\_2\\_Protocol\\_1\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Art_2_Protocol_1_ENG.pdf)
- UNRC Convention on the Rights of the Child  
<https://www.unicef.org/child-rights-convention/convention-text>
- Committee on the Rights of the Child  
[https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRC\\_General\\_Comment\\_1\\_en.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRC_General_Comment_1_en.pdf)
- Education (Pupil Registration) (England) Regulations 2006  
[www.legislation.gov.uk/uksi/2006/1751/contents/made](http://www.legislation.gov.uk/uksi/2006/1751/contents/made)  
[www.gov.uk/government/publications/school-attendance](http://www.gov.uk/government/publications/school-attendance)
- Children and Families Act 2014  
<http://www.legislation.gov.uk/ukpga/2014/6/section/66/enacted>

## **Appendix 1**

### **School Attendance Orders (SAO)**

When a child is not registered on the roll of a school and where there is no evidence that they are receiving a suitable education otherwise than at school, Hounslow's CME service may consider issuing a School Attendance Order. This commonly occurs due to one of the following reasons:

- Where a parent does not get the school of their preference and then refuse to send their child to the allocated school.
- Where a family moves into the area, and they make no arrangements for their child's education.
- Where a parent opts for 'Elective Home Education' (EHE) and subsequently fails to satisfy the LA that their child is receiving a suitable education.

Before a pupil is referred to CME for a SAO to be considered, the EHE Team would endeavour to engage with parents to discuss their intentions for their child's education provision. In most cases the matter can be resolved, through collaborative working with the family, without having to issue an Order. Where this is not the case, as parents do not engage or the matter is not resolved, the School Attendance Order process is as follows:

Step 1 – 1st School Attendance Order Notice issued to parents - Sec 437(1), Education Act 1996. This Notice requests that parents advise the LA of the arrangements being made for the child's education. The parents are given no less than 15 school days to respond.

Step 2 – 2nd School Attendance Order Notice issued to parents – Sec 438, Education Act 1996. This Notice advises the parent that the LA intends to name a specific school on the School Attendance Order. The parents are given 15 school days to respond. (If a child has an EHCP naming a particular school then it will not be necessary to serve this notice). Once the Notice under s438 has been served the process must continue through to the service of the Order itself even though the parents may have registered the child at a school in the interim. This will remain in place for the rest of the child's statutory school education.

Step 3 – School Attendance Order issued to parents. It informs the parents that they are required to register their child at the named school. Failing to comply with the Order is an offence, Sec 443, Education Act 1996 and legal proceedings will commence.

The 15 school days will start on the 3rd school day after the Notice is sent out by first class post e.g., if the Notice is sent out on Monday, the first school day will be Thursday.

A school for the second notice and School Attendance Order will be named by Hounslow's Fair Access Panel.

Considerations:

- At step 2 the parents are also given the opportunity to advise the LA of their preferred school (providing there is a place) to be named in the Order.

- Being named on the Order may not necessarily mean the child will be registered at that school – parents may subsequently register them elsewhere (maintained or independent) or provide evidence of EHE.
- If prosecution does not affect any change in the circumstances (the child continues not to be registered at a school or evidence that they are educated otherwise is not forthcoming) the process will begin again.
- At any point in the process the parents could start to engage and agree a start date for their child. The child would have to be added to the school roll. If there are any subsequent attendance concerns, then normal procedure would be expected e.g., school intervention – referral to EWO – EWO intervention – legal proceedings Sec 444, Education Act 1996 if appropriate.



## Appendix 2

### “Suitable” Elective Home Education

Hounslow local authority wishes to support parents choosing to home educate by giving some examples of what might evidence “suitable” education. We will also provide some reasons why the local authority may decide the education being provided is not suitable.

Parents who are home educating their child(ren) should consider their age and ability whilst also ensuring that the work is individualised together with showing progress.

Hounslow provides some general guidance as below:

- **Broad:** it should introduce the pupils to a wide range of knowledge, understanding and skills
- **Balanced:** each part should be given enough time but not such that it pushes out other essential areas of learning
- **Relevant:** subjects should be taught so they can be applied to daily life and give children the practical skills they need for adulthood and employability
- **Differentiated:** what is taught, and how it is taught, needs to be matched to the child's age, abilities, and aptitude, considering any special education need.

We recommend daily reading, writing, and maths sessions. Regular social interaction, vocational activities, environmental and health education, citizenship, careers, food technology and information and communication technology sessions can provide differentiated learning opportunities. In addition, children should have an opportunity to carry out physical education by means of exercise and games. Employability skills could also be explored with children, in particular, those in year 9 onwards, focus could be timekeeping, organisational, and interview techniques. Opportunities to mix and relate with other children and adults are considered important to a child's personal and social development.

There may be a variety of reasons why the information / evidence provided is not regarded as suitable by the local authority. This may include:

- The education provision described lacks detail and it is difficult to work out what is being taught / what subjects are being studied
- There is no, or very limited examples of work submitted
- There is no or very limited information regarding resources used to support the child's learning
- There is no or very limited detail of how the child's progress is being monitored over time, or examples of work to demonstrate relevant progression
- There is no clear academic or time structure

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.**

**Appendix 3****Registration form for parents****Elective Home Education Information Form for Parent/Carer**

Hounslow Local Authority [LA] believes in the value of school-based education, such an education provides a broad and balanced curriculum and encourages social development. We do however also respect the right of parents to choose to educate their child at home. Elective home education is a major undertaking and may take up a considerable amount of your time, energy and money.

The LA recommends that you do not choose to educate your child at home just because:

- You are disappointed at not having gained a place at a particular school.
- You are having difficulty ensuring your child attends school.
- You have had a disagreement with the school or a teacher over your child
- Your child may be at risk of exclusion

Please can we remind you that:

- As parents you do assume full financial responsibility for your child's education
- Your child may not be able to return to the same school if you change your mind
- Support from school will not continue, this includes any access to special educational funding
- The LA will ask to see evidence that home education is full-time, suitable and efficient

Name of Child ..... Male / Female (please circle)

Date of Birth ..... School .....

Have you made a written request for your child's name to be removed from the school's admissions register (if applicable)? YES / NO.

Does the child have an Education Health Care Plan? YES / NO

Do you have a child already being educated at home, if so, please give their name and date of b

.....

Full name/s of Parent/Carer .....

Do you have legal responsibility for the child? YES / NO Relationship to the child .....

Address .....

..... Postcode .....

**Appendix 4****Information form for schools**

<b>Hounslow Elective Home Education</b>	
<b>Background information from schools for children being electively home educated</b>	
Form to be completed by Headteacher of schools when parents/carers inform schools of intention to home educate. Please note: One form per child. Please send completed form to: ElectiveHomeEducation@hounslow.gov.uk Please also send written notification from parents informing school of home education intention.	
<b>Name of school</b>	
<b>Child's full name</b> <b>Child's UPN</b>	
<b>Child's date of birth</b>	
<b>Ethnicity</b>	
<b>Address</b>	
<b>Name of Parent(s)/Carer(s)</b> <b>Relationship to child</b>	
<b>Telephone number - home</b> <b>Telephone number - mobile</b>	
<b>Email address</b>	
<b>Education Health Care Plan</b>	Yes / No – if Yes please give details
<b>Individual behaviour plan</b>	Yes / No – if Yes please give details
<b>Pastoral support plan</b>	Yes / No – if Yes please give details
<b>Any behaviour concerns in school?</b>	Yes / No – if Yes please give details
<b>Number of fixed-term exclusions</b>	Yes / No – if Yes please give details
<b>Number of behaviour points (where appropriate)</b>	Yes / No – if Yes please give details
<b>Is the pupil at risk of permanent exclusion?</b>	Yes / No – if Yes please give details
<b>Has/have the child(ren) been the subject of a CFAN referral to Children's social care?</b>	Yes / No – if Yes please give details
<b>What was the outcome of the referral?</b>	



**Appendix 5**

**Hounslow Elective Home Education**  
**Education Overview**

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**Name of child/young person:**

**Date of birth:**

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**Please give details of subjects being taught and hours spent per week on each subject:**

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.....  
.....  
.....

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**How are you enabling your child to reach their potential?**

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**Please detail the resources your child has access to for learning e.g., National Curriculum Key Stage level:**

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.....  
.....  
.....  
.....

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**How do you decide areas of study for your child?**

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.....  
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.....

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**Please detail how you are measuring your child's progress in learning:**

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.....  
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Please detail below:

- What level your child is working at in comparison with this time last year?
- What skills and knowledge have you observed your child developing?

Please give examples of this progress in Maths, English and Science:

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.....

Do you consider that your child has any special needs (medical, physical, learning)?

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.....

Do you consider your child to have any gifts or talents?

.....

.....

Is your child being supported by:

- An online school Yes/No
- A tutor Yes/No
- A tuition centre Yes/No

If so, please give details:

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.....

Please detail any extra-curricular activities, e.g.: sports, music, dance, drama sessions your child is involved in?

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.....

Please detail below dates/examples of:

- Opportunities your child has for socialising with peers
- Time spent in the fresh air and learning 'off site', e.g.: educational trips to museums etc?

.....

.....

.....

Signed ..... Date .....

**Hounslow Local  
Authority Elective  
Home Education Policy  
and Procedure**

May 2024



**London Borough  
of Hounslow**