



# **ELECTIVE HOME EDUCATION**

## **POLICY**

**2022**

**Approved by:**

**Date:**

**Date of reviews:**

<b>Section</b>	<b>Contents</b>
1	Policy statement
2	Introduction
3	The Law & Department for Education (DfE) Guidance
4	Parents' Rights & Responsibilities
5	Child's Rights
6	School's Responsibilities
7	Local Authority Responsibilities
8	Initial Contact and assessment of suitability
9	EHE Suitable
10	EHE Unsuitable
11	Children with Special Educational Needs or Disabilities (SEND)
12	Children Looked After (CLA)
13	Safeguarding
14	Further Information

	<b>APPENDICES</b> <b>(to be used in conjunction with this policy)</b>
Appendix 1	Guidance and notes for schools - Process for a child on school roll prior to withdrawal
Appendix 2	School information request form to inform LA of EHE
Appendix 3	EHE information and notes for Parents
Appendix 4	Initial Letter to parents
Appendix 5	EHE officers record of home visit and EHE review – Signs of Safety
Appendix 6	Process to escalate safeguarding concerns for a child currently registered as EHE
Appendix 7	Notes and Guidance for non-educational professionals
Appendix 8	Process to progress a case for EHE when the family do not engage with professionals
Appendix 9	Process to escalate to School Attendance Order (SAO) for EHE/CME for unsuitable elective home education
Appendix 10	School Attendance Order process
Appendix 11	School Attendance Order process for children with a social worker

# 1. Policy Statement

- 1.1 Wigan's Excellence in Education Strategy 2020 - 2030 Vision is that '*all children and young people in the borough, whatever their age, ability background or setting, will receive an outstanding education*'. This vision is part of the wider Wigan Deal 2030<sup>1</sup> to ensure the best start in life for all children and young people.
- 1.2 We respect that all parents have the right to home educate in conformity with their own philosophical, cultural, or religious convictions. We also wish to ensure that parents who choose to home educate their children do so for the right reasons and are well prepared from the point they begin, which may be either from the decision not to send their child to any school or by the removal of their child from a school roll.
- 1.3 Guidance and legislation quoted within this policy use the term 'Local Authority' or the abbreviation 'LA'. Wigan Council is the Local Authority or LA in this context.
- 1.4 For the purpose of this policy the school at which a pupil is on roll is responsible for meeting the requirements set out in this policy. Where a pupil is dual registered or transitioning between settings, the school with the highest level of prior involvement will maintain responsibility.

## 2 Introduction

- 2.1 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe parents'<sup>2</sup> decisions to provide education for their children, who are of compulsory school age, at home instead of sending them to school.
- 2.2 EHE is different to home tuition and education other than at school provided by the local authority (LA). Children educated at home are not registered at mainstream, special or independent schools, academies, free schools, Pupil Referral Unit (PRUs), full time college courses or children's homes with education facilities.
- 2.3 EHE is different to flexi-schooling arrangements, which are authorised at the discretion of the headteacher of the school where the child is on roll. The head teacher would be agreeing to the pupil remaining on roll part time and registered as EHE whilst authorising absences.
- 2.4 This document outlines Wigan Council policy and procedures to enable us to comply with our responsibilities and duties towards children living in our borough whose parents have decided to educate them at home.
- 2.5 As stated in the DfE Guidance, April 2019,<sup>3</sup> '*Educating children at home, works well when it is a positive choice and carried out with proper regard for the needs of the child*'. We recognise that there are many approaches to educational provision and

---

<sup>1</sup> [The Deal 2030 \(wigan.gov.uk\)](http://wigan.gov.uk)

<sup>2</sup> The term 'parent' is used in this document to apply to both parents and to carers.

<sup>3</sup> [Elective home education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

that what may be suitable for one child will not be for another, but all children should be involved in a suitable learning process.

- 2.6 In line with the DfE guidance for Local Authorities, April 2019, this policy and accompanying procedures seek to build positive relationships with home educators and provide a means to effectively protect the educational and safeguarding interests of children where vulnerabilities are identified.
- 2.7 This document sets out: -
- Parents' rights and responsibilities if they choose to educate their children at home
  - The responsibilities and statutory duties of the Local Authority and schools in relation to children who are educated at home.
  - Wigan Council procedures in relation to Elective Home Education
- 2.8 This policy will be reviewed at least every two years or following any relevant changes to legislation or Government guidance.

### **3. The Law & DfE Guidance**

- 3.1 The legal responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not. The law is set out in the European Convention on Human Rights and in the Education Act 1996.
- 3.2 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<sup>st</sup> December, 31<sup>st</sup> March and 31<sup>st</sup> 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.
- 3.3 Young people need to then comply with the Raising Participation Age (RPA) legislation, 2013, and remain in education or training up until the age of eighteen. The increase in age was made by relevant provisions of the Education and Skills Act 2008
- 3.4 Article 2 of the Protocol of the European Convention on Human Rights, 1953, states that *'no person shall be denied the right to 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 convictions.'*<sup>4</sup>
- 3.5 Section 7 of the Education Act, 1996, states that: *'the parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to a) his age, ability and aptitude and b) any special educational needs he may have either by regular attendance at school or otherwise.'*<sup>5</sup>

---

<sup>4</sup> [European Convention on Human Rights - Official texts, Convention and Protocols \(coe.int\)](https://www.coe.int/en/web/european-convention-on-human-rights)

<sup>5</sup> [Education Act 2011 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- 3.6 An “efficient” and “suitable” education is not defined in the Education Act 1996 but has been described in case law (in the case of *R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust* 1986) as an education that *‘achieves that which it sets out to achieve’* and *‘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 life to adopt some other form of life if he wishes to do so.’*
- 3.7 The DfE Guidance for parents, April 2019, makes a number of points in Section 2.10, ‘What is a Suitable Education’, including: -
- *‘Education must be age appropriate, enable the child to make progress according to his or her level of ability and should take account of any specific aptitudes’*
  - *‘Even if there is no specific link with the National Curriculum or other external curricula, there should be an appropriate minimum standard which is aimed at’*
  - *‘Education at home should not directly conflict with the Fundamental British Values as defined in government guidance’<sup>6</sup>*
  - *‘Education may not be suitable (or efficient), even if it is satisfactory in terms of content and teaching, if it is delivered in circumstances which make it difficult to work’ eg very noisy*
  - *‘Education may also not be deemed suitable if it leads to excessive isolation from the child’s peers, and thus impedes social development’*
  - *‘It is likely to be much easier for you to show that the education provided is suitable if attention has been paid to the breadth of the curriculum and its content, and the concepts of progress and assessment in relation to your child’s ability’.*

## 4. Parental Rights and Responsibilities

- 4.1 Parents may decide to exercise their right to home educate their child from a very early age and not enroll the child at a school. They may also elect to home educate at any stage up to the end of compulsory school age and may continue post 16 in order for their child to participate in education and training until the age of 18.
- 4.2 If the child is attending a school, then parents must notify the headteacher, preferably in writing, that they are withdrawing their child. They do not have to give a reason. However, as stated in the DfE Guidance, it would be sensible to do so, both in order to avoid any future misunderstanding about how they plan to fulfil their parental responsibilities and to facilitate access to advice and support.
- 4.3 If the child attends a special school which is named in their Education, Health & Care Plan (EHCP), parents must seek approval from the local authority (LA) in writing. See Section 11 for further information regarding children with Special Educational Needs (SEND).

---

<sup>6</sup> [Guidance on promoting British values in schools published - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/promoting-british-values-in-schools)

- 4.4 Parents whose child is not enrolled at a school have no obligation to inform the LA that they are home educating. However, as in 3.2 above, it would be sensible to do so.
- 4.5 Parents do not need to be qualified teachers to home educate and there is no requirement to teach the National Curriculum, match age-specific standards, observe schools' hours, days or terms, make detailed lesson plans, give formal lessons or reproduce school type peer group socialisation.
- 4.6 As is clear in the 1966 Education Act, Section 7, they must, however, ensure that their child receives efficient and suitable full-time education. See 2.7 above.
- 4.7 Parents can choose to engage private tutors or other adults to assist them in providing a suitable education, although there is no requirement to do so, and learning may take place in a variety of settings, not just the family home.
- 4.8 It is strongly recommended that parents ensure that they make appropriate checks on any settings that they use, as there may be no external assurance that they comply with basic standards such as vetting of staff and safeguarding children. Similarly, it is recommended that parents ensure that any tutors they employ are qualified and suitable, including whether they have a clear Disclosure & Barring (DBS) Service check.
- 4.9 Parents who home educate assume the full financial responsibility for their child's education. This includes the costs of resources, private tuition, courses and public examinations.
- 4.10 However, children who are Year 10 and above may be able to access part-time college courses as part of their home education and the colleges may be able to claim the costs of course and exam fees from the Education & Skills Funding Agency. These arrangements would be negotiated individually between parents and the college.
- 4.11 LAs do have a duty under the Education Act 1996 to establish whether home educated children are receiving suitable full-time education and the DfE Guidance is clear that it would be sensible for parents to respond to enquiries.

## **5. Children's Rights**

- 5.1 The United Kingdom has ratified the United Nations Convention on the Rights of the Child (UNCRC), November 1989, which includes the right to be safe, to an education, the right to express their views and for due weight to be given to those views.
- 5.2 Wigan Council actively promotes children's right to be heard, as stated in the UNCRC and in the statutory guidance 'Listening to and involving children and young people', January 2014<sup>7</sup>.

---

<sup>7</sup> [United Nations Convention on the Rights of the Child \(UNCRC\): how legislation underpins implementation in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

- 5.3 Wigan Council officers will wish to gain the child's opinions on the home education received in order to help inform decisions about suitability.

## 6. School Responsibilities

- 6.1 Sections 8(1) (d), 12 (3) and 13(3) of the Education (Pupil Registration) Regulations 2006 place a duty on head teachers to inform the LA when a parent notifies them of their decision to withdraw their child from the school roll.

*'the proprietor (Headteacher) of the school must make a return to the local authority for every such pupil giving the full name of the pupil, the address of the parent with whom the pupil normally resides and the ground upon which their name is to be deleted from the admission register as soon as the ground for deletion is met in relation to that pupil, and in any event no later than deleting the pupil's name from the register'.*

- 6.2 Schools should follow Wigan Council's off-rolling procedures. They should inform Wigan Council prior to removing the child from the school's register and should forward any written notification from the parents. The child can be de-registered two working days after receipt of the parent's notification. See Section 11 for procedures if child has a special educational need or disability (SEND).
- 6.3 Wigan has a general consensus with schools that a child will not be deregistered for a period of 15 school days, while the LA gather information and speak to the parent/carer about their reasons for home schooling and consider support or mediation that may be required to maintain their place in school.
- 6.4 Should the above conversations and information all be satisfactory then 6.2 can be applied and the school can backdate the roll de-registration.
- 6.5 Should intelligence lead to concerns or an agreement that the child should be back in school, then the child will return to their school roll or an alternative school if appropriate.
- 6.6 There is no legal requirement for parents to discuss home education with the school, however if a parent informs the school of their intention, schools should respond by ensuring the parent fully understands the responsibility they are taking on as set out in this policy.
- 6.7 This is particularly important if it appears that the decision to home educate may be related to a dispute with the school e.g. regarding attendance, behaviour or alleged bullying. It would be helpful if the school invites the parents to discuss the decision and takes all necessary steps to resolve any issues. Parents' attendance at such a meeting should be entirely voluntary.
- 6.8 Schools must not seek to persuade parents to educate their child at home as a means of avoiding exclusion, resolving concerns with academic performance or because of poor attendance. This can be seen as illegal off rolling. It would be helpful if schools share a copy of this policy and signpost parents to the Wigan Council Website to enable them to make an informed choice.

- 6.9 If the child is registered at a school as a result of a school attendance order, the parent must obtain the permission of the LA on the grounds that arrangements have been made for the child to receive suitable education otherwise than at school, before the child can be removed from the school's register and educated at home.
- 6.10 Home education is not in itself a safeguarding concern. The expectation is that schools will have previously completed an Early Help or referred to the Children First Partnership Hub if they have serious concerns about a child. However, they will be asked to share with the Local Authority any recent concerns or risks they are aware of about the child that may impact on the suitability of home education.
- 6.11 Schools should retain the child's school file. Parents can request a copy of this in order to assist with planning their children's education.
- 6.12 If EHE is considered unsuitable, the expectation is that the child will return to their former school, either through the Fair Access Protocol (FAP) or through the statutory EHCP (Education, Health & Care Plan) arrangements.

## **7. The Local Authority (LA) Responsibilities**

- 7.1 The LA has a statutory duty under Section 436 (A) of the Education Act 1966 to make arrangements to establish (so far as it is possible) the identities of children of compulsory school age in their area who are not receiving a suitable education.
- 7.2 The LA has a statutory duty under Section 437(1) of the Education Act 1996 to intervene if it appears that a parent is not providing a suitable education to the age, ability, aptitude and special educational needs of the child. This section states that:
- '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.'*
- If evidence of a suitable education is not received, the LA may then commence statutory action, including the issuing of a School Attendance Order (SAO), penalty notices and fines.
- 7.3 The LA has no legal power to monitor home education on a routine basis, although they do have a duty, as 7.1 and 7.2 above to make enquiries if it is not clear that a child is receiving a suitable education.
- 7.4 The LA, in partnership with other agencies, including Social Care and Health, has a statutory duty to safeguard and promote the welfare of all children resident in the borough under Section 175 (1) of the Education Act 2002 and under the statutory guidance 'Working Together to Safeguard Children', updated February 2019. The LA monitors trends in EHE in a wider strategic context and has a key role in identifying any short comings in local school provision and in challenging failures by schools to manage attendance and behaviour properly.



- 7.5 The LA is monitored by Ofsted, which looks at the way that LAs identify children who may not be receiving a suitable education and what steps they take to deal with this.
- 7.6 The LA will ensure that all officers who engage with home educating families have received appropriate information and training to understand EHE, have enhanced DBS checks and they consistently act in line with national and local guidance.

## **8. Initial contact and assessment of suitability**

- 8.1 On receipt of a notification of EHE, a check will be made on the LA's Education Database and the child's 'base' will be amended to EHE. An EHE record will be created, which enables the LA to record any involvement with the family.
- 8.2 An LA officer will be assigned to liaise with the parents/carers, to offer support and advice and to gather any relevant information to assist in reaching a properly informed view that education is suitable. Evidence could include discussion regarding parent's plans, a written report, telephone conversations, the child's views, samples of the child's work, information about educational settings attended and tuition sessions, a home visit or a meeting at another venue.
- 8.3 The LA officer will offer a home visit or meeting at another venue. The aim of the visit/meeting is to build a positive and constructive relationship with parents/carers, to ensure that EHE is a positive choice and that the educational needs of their child are being met.
- 8.4 LA officers will wish to see the child so that their views can be gathered and contribute to the assessment of suitability.
- 8.5 Parents are not obliged to respond to LA enquiries, to accept a visit or to allow LA officers to meet with their child. However, as stated in the DFE Guidance *'you should consider carefully the reasons for not doing so, what is in the best interest of your child, and what is the most sensible approach. If you do not do enough to satisfy the local authority about the education being provided at home, it may have no option but to conclude that the education does not meet the s.7 requirement'*
- 8.6 The LA officer will also make enquiries, including from Social Care, the Health Authorities and any previous school/Early Years provision, to ensure that there are no concerns about the child's welfare or safeguarding.
- 8.7 In order to minimise time out of education should EHE be deemed unsuitable, LA officers aim to complete enquiries within 15 working days of the initial notification.
- 8.8 Parents will receive a copy of the report summarising the outcomes of discussions with the LA Officer and/or other evidence taken into account in the decision about suitability of home education and have opportunities to provide further information if they wish.
- 8.9 For many Wigan families who home educate, EHE is suitable, and they continue to home educate for as long as they feel it meets the needs of their child. The child's

name remains on the EHE database, and an LA officer is allocated as the main contact for the family.

## **9. EHE Suitability**

9.1 The LA has made arrangements to ensure it carries out its statutory duties in relation to children educated at home and to safeguard and to promote the welfare of children. These arrangements include:

- A named senior officer with responsibility for elective home education policy and procedures
- Availability of information to parents who are considering home educating their children and to parents who already do this, through the Wigan Council Website, and through named officers, whose role is to offer advice and support and build positive relationships with the families and communities who home educate.
- Responsibility of all agencies and LA teams to report to the named senior officer if they have any concerns about the safety and welfare of a child who is being home educated.
- Provision for LA officers who have contact with families who home educate to be trained in home education law, policies and practices
- Cascading information from the School Nursing Service who can provide information and support to parents who home educate.
- Information about exam centres where home educated children can sit GCSEs.
- In line with the legislation around Raising the Participation Age (RPA) information will be provided for parents and children advising them of their options and responsibilities for post 16 education provision, when they approach school leaving age.
- Following agreement that EHE is suitable, an LA officer will maintain contact with the family on a regular basis. This will usually be annually but could vary by agreement. There may be changes of circumstances for the family and the named LA officer is available if parents have any questions or wish to discuss any educational matters.

## **10. EHE Unsuitable**

10.1 Parents will receive written notification if the LA considers that suitable education is not being provided, specifying the grounds for concern and any reasons for concluding that provision is unsuitable.

10.2 If initial indications are that the family feel there was no alternative option or that the LA feels it is clear that the child will not receive suitable education the child will return to the roll of their school within 15 school days.

10.3 Should concerns be raised at a later time, parents will have the opportunity to address the identified concerns and provide further evidence to the LA within 7 working days, or other mutually agreed timeframe.

- 10.4 If, after this the education is still not considered suitable, the LA will identify suitable provision for the child through our Children Missing Education (CME) procedures. As in 8.7, the expectation is that children will return to their former school, either through the Fair Access Protocol (FAP) or through the statutory EHCP arrangements.
- 10.5 Following the Attendance Regulations, if the parent fails to register the child at the school which has been offered, they may receive formal notice that a school attendance order (SAO) will be served. This step will only be taken if all reasonable steps have been taken to resolve the situation. At any stage during the process, parents may present evidence that they are now providing suitable education and can apply to have the order revoked.

## **11. Children with Special Educational Needs or Disabilities (SEND)**

- 11.1 Under Sections 7 and 19 of the Education Act 1996, parents have the right to educate their children, including children with SEND, at home. Home education must be suitable for the child's age, ability, aptitude and SEND.
- 11.2 Parents have the right to request an EHC assessment and the right to appeal is available to all parents, including those who feel that the SEND support being provided by the school is insufficient to meet the child's needs. There is more information about the local offer on the Wigan Council Website<sup>8</sup>
- 11.3 LAs do not have a duty under Section 22 of the Children & Families Act 2014 to assess every home educated child to identify whether or not they have SEND.
- 11.4 If the child is on the roll of a special school the child's name may not be removed from the school register without the LA's consent. Consent will be granted when the education provided by parent is reviewed as being appropriate.
- 11.5 It remains the duty of the LA to ensure the child's special educational needs are met if they have an EHCP.
- 11.6 In cases where an EHCP is maintained, the LA will review it annually to assure itself that the provision set out in it continues to be appropriate and the child's SEND continues to be met. The LA may name the type of school that would be suitable for the child, but state that the parents have made their own arrangements under Section 7 of the Education Act 1996.
- 11.7 Under SEND arrangements, and in line with DFE guidance, the LA will carry out annual reviews for all children with EHCPs, including those who are home educated. The child and parents will be involved in this process and the plan will be amended to reflect parental choice.
- 11.8 Parents will be invited to the review by the LA SEND officer, together with representatives from other agencies e.g. Health, Social Care that the LA deems appropriate.

---

<sup>8</sup> [Wigan Parents SEND local Offer \(wigan.gov.uk\)](http://wigan.gov.uk)

- 11.9 If the LA decides to maintain an EHCP, it would be expected that this would cease when the child reaches the end of compulsory school age, the final Friday in June of the academic year they turn 16 years old.
- 11.10 The LA will not assume 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. However, in some cases, the LA may conclude that elective home education does not meet the child's needs. The processes in Section 10 above will then be followed.

## **12. Children Looked After (CLA)**

- 12.1 If a child is looked after, the LA would not expect the child to continue to be home educated. Advice will be sought from Social Care and from the Virtual School Head for Looked After Children.
- 12.2 In cases where a child is home educated and enters the care of Wigan Council, the Virtual School Head will work with the parents/carers and allocated social worker to identify an appropriate school to meet the child's needs.
- 12.3 The only exceptions to this will be if the care is respite or temporary and the child's home education has previously been deemed appropriate. In these circumstances agreement must be reached with the Independent Reviewing Officer (IRO) at a CLA review or care planning meeting and must be formally recorded in the minutes.

## **13. Safeguarding**

- 13.1 The LA, in partnership with other agencies, including Social Care and Health, has a statutory duty to safeguard and promote the welfare of all children resident in the borough under Section 175 (1) of the Education Act 2002 and under the statutory guidance 'Working Together', 2018, updated 2020.<sup>9</sup>
- 13.2 The EHE Team and all LA officers will follow the Wigan Safeguarding Children's Partnership (WSCP) safeguarding procedures to work with partner agencies to respond to identified safeguarding issues relating to home educated children.
- 13.3 In the event of any concerns, in line with WSCP procedures, LA officers will discuss them with parents (provided that this does not pose an increased risk to the child) and signpost/link the family into sources of support, including referring for early help.
- 13.4 If the concerns present an immediate and serious risk of harm to the child, LA officers will make a referral to the integrated front door, children first partnership hub, which will be followed up by children's Social Care.

---

<sup>9</sup> [Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444909/Working_together_to_safeguard_children_-_2018.pdf)

- 13.5 Section 7.4<sup>10</sup> or the Elective Home Education Guidance for local authorities clearly states that:

*authorities should approach all cases where the suitability of home education is in doubt using their powers in the Education Act 1996, but they should also be ready, if a lack of suitable education appears likely to impair a child's development, to fully exercise their safeguarding powers and duties to protect the child's well-being, which includes their suitable education. It goes on to state that:*

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

- 13.6 LA officers do not have an automatic right to access the home to discuss home education. However, an LA officer will wish to see the child and ideally the home, as this is usually the main venue where education is taking place. Elective home education may not be considered suitable if this is refused as part of assessment of suitability, according to DfE guidance, is considering if it is delivered in a suitable environment. See WSCP Threshold of Need and response Guidance February 2021<sup>11</sup>. Which includes details of professional response if education is deemed unsuitable including 'Not reaching educational potential or reaching expected levels of attainment.' 'Experiences frequent moves between schools' 'Few opportunities for play/socialisation' escalating to 'Child not in education, in conjunction with concerns for child's safety'.
- 13.7 If a child is subject to a Child Protection (CP) plan, at the point of parents deciding to home educate or is escalated to a Child Protection plan whilst being home educated the LA is unlikely to assess home education as suitable. In these cases, the LA EHE team and allocated social worker would support parents to return the child or young person to their school or apply for a new school place. During the interim period, prior to starting on a school role, the allocated social worker and EHE team will secure an appropriate schedule of visits to ensure the child is safeguarded in the absence of other professional and school involvement.
- 13.8 If a child is subject to a Child in Need (CIN) plan, at the point of parents deciding to home educate or a plan is initiated, whilst being home educated the allocated social worker and EHE team will discuss the child's education with the parents and consider if home education is appropriate. If it is deemed appropriate the allocated social worker and EHE team will secure an appropriate schedule of visits to ensure the child is safeguarded.
- 13.9 This means that local authorities may consider using their safeguarding powers in cases where lack of education is deemed as impairing a child's 'physical, intellectual, emotional, social or behavioural development'.
- 13.10 Children with no current social care involvement will be visited or updates on progress requested on an annual basis or more frequently if deemed appropriate.

---

<sup>10</sup> [Elective home education - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

<sup>11</sup> [Thresholds of Need \(wiganlscb.com\)](https://www.wiganlscb.com)

Circumstances where more frequent visits or updates on progress requested would be needed include

- concerns regarding the quality of education provision
- refusal to cooperate with EHE process regarding suitable education evidence
- refusal to cooperate with EHE process re safe and well checks on children. In this circumstance the police will be asked to check on the safety of the child.
- Where a child has an Education Health and Care Plan (EHCP) or a request has been submitted to assess Special Educational Needs (SEND)

## **14. Further Information**

If you have any further comments or queries about Wigan Council EHE policy and process, please contact [ehe@wigan.gov.uk](mailto:ehe@wigan.gov.uk)



## APPENDICES

No	Description	Intended For
<b>Appendix 1</b>	Guidance and notes for schools - Process for a child on school roll prior to withdrawal	Schools
<b>Appendix 2</b>	School information request form to inform LA of EHE	Schools
<b>Appendix 3</b>	EHE information and notes for Parents	Parents
<b>Appendix 4</b>	Initial Letter to parents	Parents
<b>Appendix 5</b>	EHE officers record of home visit and EHE review – Signs of Safety	Parents
<b>Appendix 6</b>	Process to escalate safeguarding concerns for a child currently registered as EHE	Professionals
<b>Appendix 7</b>	Notes and Guidance for non-educational professionals	Professionals
<b>Appendix 8</b>	Process to progress a case for EHE when the family do not engage with professionals	Professionals
<b>Appendix 9</b>	Process to escalate to School Attendance Order (SAO) for EHE/CME for unsuitable elective home education	Professionals
<b>Appendix 10</b>	School Attendance Order process	Professionals
<b>Appendix 11</b>	School Attendance Order process for children with a social worker	

**Appendix 1 – Schools** (To be used in conjunction with Elective Home Education Policy 2022)



## **Guidance and Notes for Schools**

Process for a child on school roll prior to withdrawal

### **Elective Home Education**



## Introduction

The intention of this guide is to support schools understanding of process if families decide to educate their child/children at home.

Elective Home Education (EHE) can produce impressive results for some children, but it can be a challenging undertaking for parents. They may be choosing home education with a view that they will receive additional support – particularly if they are thinking in terms of the home tutoring during the COVID 19 pandemic, where parents' role was to assist schools with delivering their curriculum remotely, whilst schools were closed. There is a significant difference between this and EHE, where there is no relationship with or assistance from a school.

It is for parents to be certain that home education is right for their child. They may know and have researched this already but for those in the early stages of making this decision we would ask that schools clearly communicate the level of responsibility needed from them. This also means that it is the responsibility of the school to be sure this is in the best interest of the child prior to removing them from school roll. We understand that schools cannot refuse a parental request but would ask that a conversation is had with parents to check if the request is in response to school policy, process or action.

This guide and notes should be read and applied as part of the wider Elective Home Education policy.

If you would like to discuss elective home education, please contact the EHE team on 01942 489013 or email [ehe@wigan.gov.uk](mailto:ehe@wigan.gov.uk)

## **The Law relating to Elective Home Education**

The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not.

The 1996 Education Act imposes a duty on parents and guardians of children of compulsory school age (5-16) to secure “.....efficient full-time education”; this can be done at school or “.... otherwise”. For most children this means that they will go to a school, but for various reasons a small number of parents decide to undertake the responsibility of educating their child outside the school system.

Parents have a right to educate their children at home. 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: -*

- *to his/her age, ability and aptitude, and*
  - *to any special educational needs, he/she may have, either by regular attendance at school or otherwise (otherwise - is not defined in the law, but would include being taught at home by parents, including the use of correspondence courses, or by private tutors, etc)*

An "efficient" and "suitable" education is not defined however it is broadly described in case law as an 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 some other form of life if he wishes to do so”.

### **Parental Rights and Responsibilities**

Parents have the option at any point to educate their child at home. If their child’s educational need is not the primary reason for choosing to electively home educate, then schools and local authorities should encourage parents to send the child back to school.

Parents may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at a school. Schools should inform the Local Authority at the earliest possible point if a parent has discussed their interest in or intention to educate their child at home. This allows the LA to fulfil their statutory duty and discuss the needs of the child with the parent prior to removal if possible.

If a child is registered as a pupil at a Wigan school, the parent will be required to inform the head teacher of their decision to home educate. The headteacher of the school then has a duty to inform the LA of anyone withdrawn from the school and for what reasons. The LA will then register the child with their home education team who will begin corresponding with the family.

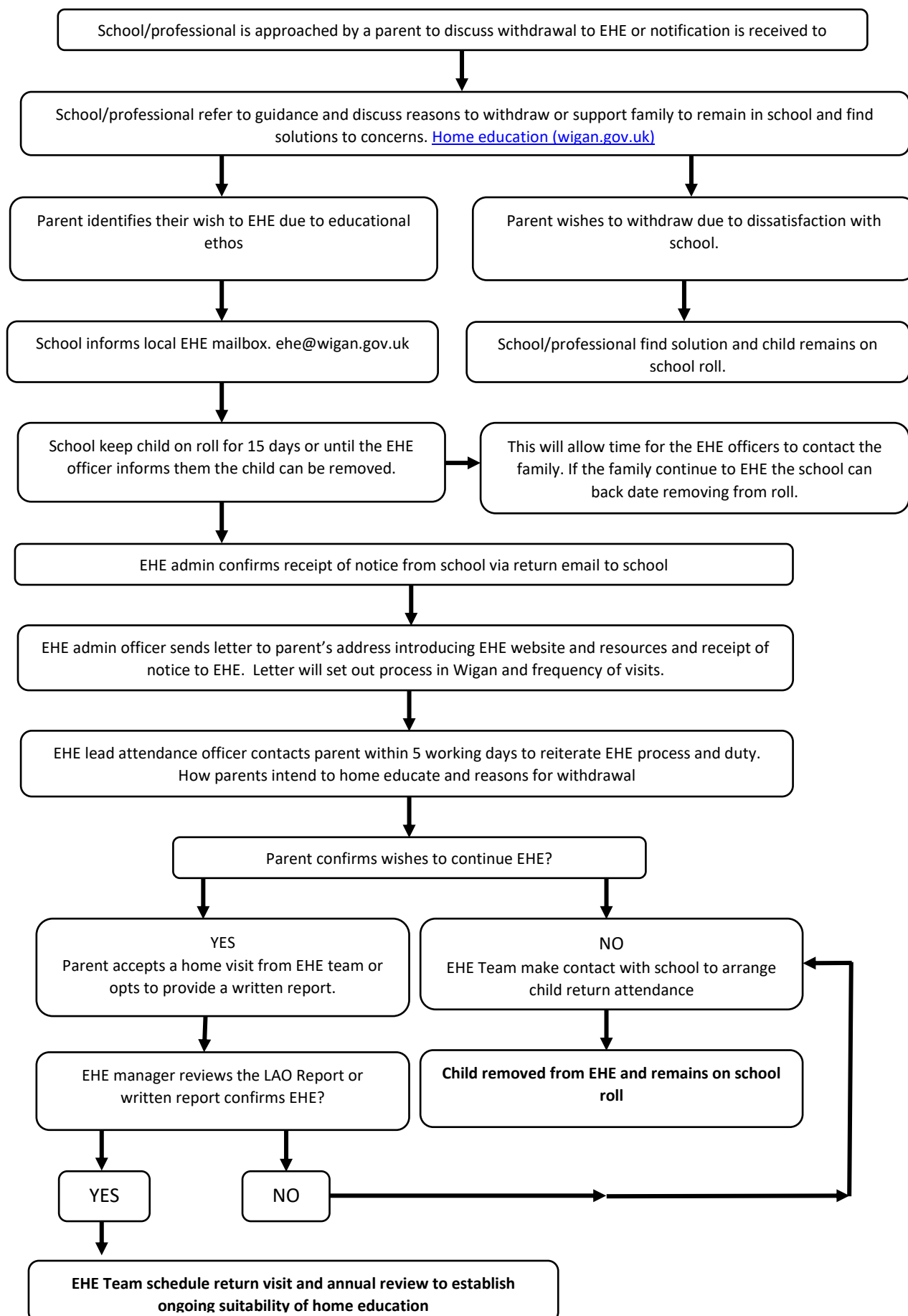
### **Children with Special Educational Needs**

Parents of children with Education Health and Care Plans (EHCP) also have the right to educate their child at home.

If a child has an Education, Health and Care Plan (EHCP), it is the local authority’s responsibility to ensure that the special educational provision specified in the EHCP is made available to that child. If the home education arrangements are deemed suitable, then the local authority is under no duty to arrange any provision for the child. However, discretionary support may still be available and so families are advised to open discussions with the local authority. If a parent is educating a child at home and feels they may have SEN, they can still request an assessment or reassessment from a local authority as they could for a child attending a school setting.

It remains the duty of the LA to maintain and review the EHCP on an annual basis. If a child is registered at a special school, the consent of the LA is necessary to remove the child from the school roll. This will only be done once education has been established as suitable.

## Process for a child on school roll prior to withdrawal to EHE



## **Guidance for schools meeting with parents**

When meeting with parents in relation to Elective Home Education school staff may want to share information from the parent guidance in the Elective Home Education policy. It may help parents understand what home education entails and aid them in making an informed decision.

The following questions are taken from the DfE guidance for parents when considering home education.

*As parents you should consider:*

- a. Why are you thinking of educating your child at home?*
- b. What does your child think about the idea?*
- c. Do you have the time, resources and ability to teach your child properly?*
- d. Is your home suitable for undertaking teaching and learning, in terms of noise, space and general environment?*
- e. What support do you as parents have from others? What would happen if you were unable, perhaps through illness, to provide teaching for your child for a period of time?*
- f. Can you provide social experiences, access to cultural and aesthetic experiences and physical exercise, to help your child develop?*
- g. Do you envisage educating your child at home for the whole of their time of compulsory school age, or only temporarily? What are your long-term intentions for the education of your child?*

If parents are considering this because of a disagreement with school, they should contact the head teacher or the governors to talk through options to support meeting their child's needs. They may also wish to follow a school's formal escalation/complaints policy.

The LA can also offer advice, guidance and support to access the many services available to support children and their families in school. Please see the parents and families' pages on the Wigan Council website. This includes the local offer, support services and how to access additional support.

[www.wigan.gov.uk](http://www.wigan.gov.uk) – all council services and links to partner organisations  
[Education and families \(wigan.gov.uk\)](http://www.wigan.gov.uk) – school places, SEND local offer and education support services  
[Wigan Family Information Services Directory](#)

Although, home education is occasionally a response to an attendance issue, it is not always the solution as the attendance issue may be hiding something the child is struggling to manage.

Parents should not feel pressured by anyone to withdraw their child to home educate because they will not attend or as an alternative to exclusion. Home education should be a choice to enrich a child's experience of education and increase their chances of educational development. The Inclusion service would be happy to help and offer advice to a child or family in this situation

### Elective Home Education

#### School information Request form

When a pupil's parent/carer has requested they be educated from home the school should complete the following information to support the LA in supporting the family withdrawing from school. Please ensure an appropriate member of staff completes this form.

Please return to [EHE@wigan.gov.uk](mailto:EHE@wigan.gov.uk)

<b>Pupil Name</b>		<b>D.O.B.</b>	
<b>School Name</b>		<b>School Year Group</b>	
<b>Is the school named on an EHCP?</b>	YES / NO	<b>SEND PlanCo</b>	
<b>Parent/carer name</b>		<b>Contact Number</b>	
<b>Home Address</b>			
		Please provide details and key names as appropriate.	
<b>Communication with Parents</b> Has the EHE document 'Policy and Notes for Parents/Carers' been shared with parents/carers?	YES / NO		
<b>Safeguarding</b> Are there any safeguarding concerns, including current/historical social care referrals and outcomes?	YES / NO		
Please ensure that dates of meetings already arranged are included on this form, along with the named social worker.			
		<b>Key contact name</b>	<b>Phone number or email</b>
<b>Open to Early Help</b>	YES / NO		
<b>Child Looked After</b>	YES / NO		

<b>Child in Need</b>	YES / NO		
<b>Child Protection</b>	YES / NO		
<b>Are other agencies or services involved?</b> Please include named worker(s) and contact details.	YES / NO		
<b>Attendance Concerns prior to withdrawal</b>	YES / NO		
<b>Permanent / Fixed term exclusions prior to withdrawal</b>	YES / NO		
<b>Medical diagnosis/needs</b>	YES / NO		
<b>SEND: SEN support/ EHCP?</b> Please give a brief summary of need and support.			
<b>Behaviour Overview</b> - Please give a brief description of any issues and attach behaviour logs.			
<b>Brief description of home circumstances</b>			
<b>Are there considered to be any risks to a lone worker when visiting the home?</b> Please give details, if applicable.			
<b>Reason given by parent for choosing to home educate (if known)</b>			
<b>Form completed by</b>			
<b>Name</b>			
<b>Designation in school</b>			
<b>Contact details</b>			
<b>Date</b>			



# **Information and Notes for Parents / Carers**

## **Elective Home Education**

## Introduction

Welcome to Elective Home Education.

These notes and guidance are to support your understanding of what may be involved if you are thinking about or have decided to educate your child/children at home.

Elective Home Education (EHE) can produce impressive results for some children, but it can be a challenging undertaking for parents. You may be choosing home education with a view that you will receive a form of support – particularly if you are thinking in terms of the home tutoring that parents provided while schools were closed during the pandemic, where parents' role was to assist schools with delivering their curriculum remotely. There is a significant difference between this and EHE where there is no relationship with any school and no assistance from a school. It is for parents to be certain that home education is right for their child. You may know and have researched this already but for those of you that are still unsure hopefully this information can help you to decide.

This document should be read as part of the wider Elective Home Education Policy

If you would like to discuss your decision to educate at home, please do not hesitate to contact the EHE team on 01942 489013 or email [ehe@wigan.gov.uk](mailto:ehe@wigan.gov.uk)

## **The Law relating to Elective Home Education**

The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not.

The 1996 Education Act imposes a duty on parents and guardians of children of compulsory school age (5-16) to secure “.....efficient full-time education”; this can be done at school or “.... otherwise”. For most children this means that they will go to a school, but for various reasons a small number of parents decide to undertake the responsibility of educating their child outside the school system.

Parents have a right to educate their children at home. 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: -*

- *to his/her age, ability and aptitude, and*
- *to any special educational needs, he/she may have, either by regular attendance at school or otherwise (otherwise - is not defined in the law, but would include being taught at home by parents, including the use of correspondence courses, or by private tutors etc)*

An "efficient" and "suitable" education is not defined however it is broadly described in case law as an 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 some other form of life if he wishes to do so".



## **Parental Rights and Responsibilities**

You have the option at any point to educate your child at home. If your child's educational need is not the primary reason for you choosing to electively home educate, then we would encourage you to consider sending your child back into school.

Parents may decide to exercise their right to home educate their child from a very early age and so the child may have not been previously enrolled at a school. Please inform us at the Local Authority of your intention to educate your child at home from a particular date, so that accurate records can be kept.

If your child is already registered as a pupil at a Wigan school, you need to write to the head teacher of that school and inform them of your decision to home educate your child with effect from a particular date. The headteacher of the school then has a duty to inform the LA of anyone withdrawn from the school and for what reasons. The LA will then register your child with their home education team who will begin corresponding with you from there.

When you move area, if you were already registered in your previous LA as EHE, they should inform us and we will make arrangements to register you in Wigan. However, there is sometimes a delay and therefore we would appreciate that let us know by emailing [ehc@wigan.gov.uk](mailto:ehc@wigan.gov.uk) or calling 01942 489013 to give us the details of your child's name, date of birth, your previous address and your current address.

## **Children with Special Educational Needs (SEND)**

Parents of children with Education Health and Care Plans (EHCP) also have the right to educate their child at home.

If your child has an Education, Health and Care Plan (EHCP), it is the local authority's responsibility to ensure that the special educational provision specified in the EHCP is made available to your child. If the home education arrangements are deemed suitable, then the local authority is under no duty to arrange any provision for your child. However, discretionary support may still be available and so we would suggest opening discussions with the local authority. If you are educating a child at home and feel he or she may have SEN, you can still request an (re)assessment from a local authority as if your child were attending a mainstream setting.

It remains the duty of the LA to maintain and review the EHCP on an annual basis. If a child is registered at a special school, the consent of the LA is necessary to remove the child from the school roll. This will only be done once education has been established as suitable.

## **Local Authorities roles and responsibilities**

Parents are able to choose what education they provide for their child and Wigan recognise that there are many ways in which this can be done.

Families who decide to home educate should do so with a good understanding of what education they would like to provide. This will mean there is not a significant break in your child's learning. You will have decided on your philosophy and how you will deliver your child's education but may need a little time to establish a routine that suits your child. In the first three weeks we will make contact to arrange how we gain an understanding of your education provision and any support you may feel you need. If we are aware of any concerns from school or other professionals, we may request an earlier visit to look at what you are providing or intending to provide.

In most cases we provide a visit either at home or a nominated venue. A note of the discussion will be written following the visit and a copy will be sent to you. The visit note may give an indication of whether the provision is suitable or make recommendations to develop your home education offer.

Once the initial review has taken place, we will be in touch to determine your intention to continue to home educate. If education provision is deemed appropriate, in line with DfE guidance, this visit will be arranged on an annual basis. The reviews will be to update our advice and ensure education provision continues to be suitable.

We fully appreciate that families that home educate may not provide formal teaching. Indeed, we have many families who choose much more autonomous education methods. All methods are respected and carefully considered.

Our visits and reviews are made with an open mind and will focus on:

- Education philosophy/beliefs
- Resources and methods used to meet the philosophy
- Evidence to demonstrate the child's learning (this may be through conversation photographs, discussion with the child/third party)
- Evidence to demonstrate the child is making progress since becoming home educated or our last visit or review.

You should note that the home education officer will not be able to direct your child/children's learning, nor can he/she accept any responsibility for this. If you decide to educate your child at home, it is your responsibility to plan your child's education and implement your plans. The LA cannot provide books or any other equipment or resources which may be recommended, though we will try to be as supportive as possible.

You may want to consider the following:

- What are your philosophical views or beliefs in relation to education? (We need to establish this particularly if you are using recognised methods such as Charlotte Mason/Seiner Waldorf/Montessori so that we are able to understand).
- How do you know that the education you are providing is appropriate to your child's capabilities, needs and interests?
- How do you know your child is making sufficient progress in their education?
- Have you made long term plans for the whole year? How do these relate to what you have planned for the next few weeks? (We understand no formal planning is required but you may have chosen to do this).
- Have you thought how subjects or topics will link together?
- Have you planned a mixture of work/activities so that your child has experience of both practical and written work?
- Who or what will you use to help you?
- In what way will you record your child's progress and/or difficulties?
- How will you decide if the education provision is successful?
- Have you considered whether the program you have put together will make access to Further/Higher Education available to your child?
- How will you ensure that your child understands personal safety and develops a healthy lifestyle?
- How will you involve your child in assessing his / her own learning?

It is acknowledged that each family will choose a plan suitable to their child's learning needs and as such, each submission will be viewed individually. We will take into account your

philosophy on education and will not discriminate based on a 'formal curriculum led' approach not being undertaken.

Contact with the home education community may prove very useful to some home educators and may broaden their network and extend opportunities for educational visits.

### **What is reasonable evidence for the LA to see?**

The DfE EHE guidance for local authorities states that:

*The most obvious course of action is to ask parents for detailed information about the education they are providing. [ ] 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 means that it is reasonable for the LA to expect to see, sufficient evidence to show that your child is receiving efficient full-time education suitable to his/her age, ability and aptitude, in order to meet their duty to ensure all children are receiving a suitable education.

Parents might prefer to write a report, have their educational provision endorsed by a third party or provide samples of work completed by their child/ren. The form of specific examples of learning may include pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books and educational visits. Some home education charities provide samples of formats to support families report writing for local authorities. You may find these useful to develop your reporting style and ensuring you are providing all that is required.

The LA will be looking for:

- Consistent involvement of parents or other significant carers, playing a substantial role, although not necessarily constantly or actively involved in providing education.
- Recognition of the child's needs, attitudes and aspirations.
- Opportunities for the child to be stimulated by their learning experiences.
- Access to resources/materials required to provide home education for the child- such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults.

In the majority of cases home educators do satisfy the LA that provision is satisfactory. However, under [section 437\(1\) of the Education Act 1996](#), the Local Authority has a duty to intervene if it appears that parents are not providing a suitable education. (see appendix 8 and 9)

If submitted evidence does not assure the LA that education is suitable a home or virtual visit will be offered within a mutually agreed timescale. The visit is a supportive measure to find solutions to any challenges you are facing in home educating your child/ren. If after a set period of time, the situation has not improved we will work with on a plan to return your child to school. Should you need help to find a school place, the School Organisation Team can assist.

Please note that whilst we don't have a duty to ask for evidence that a suitable education is being provided, Case law (Phillips v Brown, Divisional Court [20 June 1980, unreported], has established that if a parent refuses to give information on how they are discharging their

duty to provide suitable and efficient education for their child, then the LA will have to decide whether it 'appears' that a parent is in breach of Section 7 of the 1996 Education Act. Although parents have no duty to respond to such a request from the LA: "it would be sensible for them to do so"

If we are still not satisfied following discussion or correspondence, it may be necessary to apply for a School Attendance Order (Sections 437-443 1996 Education Act). In these rare cases we will tell you which school we intend to name on the Order so that you may request an alternative. This course of action would only ever be used in the most serious cases where there is a clear lack of any education being provided as defined in Section 7 of the Education Act 1996. If an Order is served, you must arrange for your child to be admitted to, and to attend the school named on the Order; failure to do so would be an offence.

The local authority fully supports home education where this is right for the family and the child. Parents have the right to make this decision for and with their children and we know that some children absolutely thrive and go on to achieve real success. We must however exercise our duty, according to the Education Act 1996, to ensure children's education provision meets an acceptable standard and they are making appropriate progress.

### **Finally – some thoughts for your consideration**

Deciding to educate your child at home can be a significant, long-term commitment. Please take the time to explore all options to see whether you think it will work for you and your family.

The following questions are taken from the DfE guidance for parents when considering home education.

As parents you should consider:

- a. Why are you thinking of educating your child at home?
- b. What does your child think about the idea?
- c. Do you have the time, resources and ability to teach your child properly?
- d. Is your home suitable for undertaking teaching and learning, in terms of noise, space and general environment?
- e. What support do you as parents have from others? What would happen if you were unable, perhaps through illness, to provide teaching for your child for a period of time?
- f. Can you provide social experiences, access to cultural and aesthetic experiences and physical exercise, to help your child develop?
- g. Do you envisage educating your child at home for the whole of their time of compulsory school age, or only temporarily? What are your long-term intentions for the education of your child?

If you are considering this because of a disagreement with your child's school, please contact the school head or the governors to talk through options to support meeting your child's needs. You may also wish to follow your school's formal escalation policy. This will be available on the school website. The LA can also offer advice, guidance and support to access the many services available to support children and their families in school. Please see the parents and families pages on the Wigan Council website. This includes the local offer, support services and how to access additional support.

[www.wigan.gov.uk](http://www.wigan.gov.uk) – all council services and links to partner organisations  
[Education and families \(wigan.gov.uk\)](http://www.wigan.gov.uk/education-and-families) – school places, SEND local offer and education support services.

[Wigan Family Information Services Directory \(openobjects.com\)](http://openobjects.com)

Although, home education is occasionally a response to an attendance issue, it is not always the solution as the attendance issue may be hiding something the child is struggling to manage. You should not feel pressured by anyone to withdraw your child to home educate because they will not attend or as an alternative to exclusion. Home education should be a choice to enrich your child's experience of education and increase their chances of educational development. The Inclusion service would be happy to help and offer advice to a child or family in this situation.

Some parents who decide to home educate find it a happy, beneficial and constructive experience. If you decide to go ahead Wigan LA wishes you well and will do what it can to support you to ensure that a good education is provided for your child. Please help us to establish and maintain a good working partnership.

If you require any further advice or guidance please contact [ehe@wigan.gov.uk](mailto:ehe@wigan.gov.uk) or you can find Department for Education guidance in relation to Elective Home Education at [Elective home education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

## Appendix 4 - Parents



PRIVATE AND CONFIDENTIAL  
To Parent or Guardian

**Our reference:** EHE. Introduction

**Your reference:**

**Please ask for:**

**Email:** [ehe@wigan.gov.uk](mailto:ehe@wigan.gov.uk)

**Date:**

Dear Parent or Guardian

### Elective Home Education (EHE)

I understand that you have made the decision to educate your child/ren at home and I am writing to explain what happens next.

If you have not already done so, please register online following this link <http://www.wigan.gov.uk/Resident/Education/Alternative-education/Home-education.aspx> and fill in the online form 'Tell us how you will provide education for your child/ren'.

You will also find a copy of Wigan's procedure that explains the process and responsibilities of Wigan Council and some of the questions parents often ask about home education, a list of useful contacts and details of websites and resources - supplied by the home education community in Wigan.

When you choose to start home educating, one of our EHE officers Simon Wetton or Gareth Williams will make a home visit, as this gives you the opportunity to illustrate your individual approach and highlight the good work you are undertaking with your child. This is a positive way to discuss 'what's working well'.

If we have established that education is underway and satisfactory, we will then visit annually for an update. If there are any concerns on either side, we will discuss these with you and agree any interim visits needed throughout the year. In all cases, we want to work with you to make home education work, if that is what is best for your child.

We are in a period of uncertainty and constant change, so may need to change our procedures in line with the latest Government and Public Health England guidance, so please be patient with us and feel free to contact us to discuss any concerns.

Yours sincerely,  
Wigan Elective Home Education Team

### Elective Home Education Record of Discussion

<b>Name:</b>	<b>DOB:</b>	<b>NCY:</b>
<b>Address:</b>		
<b>Name of Parent/Carer:</b>		
<b>EHCP/SEND?:</b>		
<b>Date of last report:</b>		

#### Learning Discussion

<b>Philosophy?</b>	
<b>What does this look like?</b>	
<b>What is the engagement?</b>	
<b>What is the evidence?</b>	
<b>Progress?</b>	

### Signs of Safety Discussion

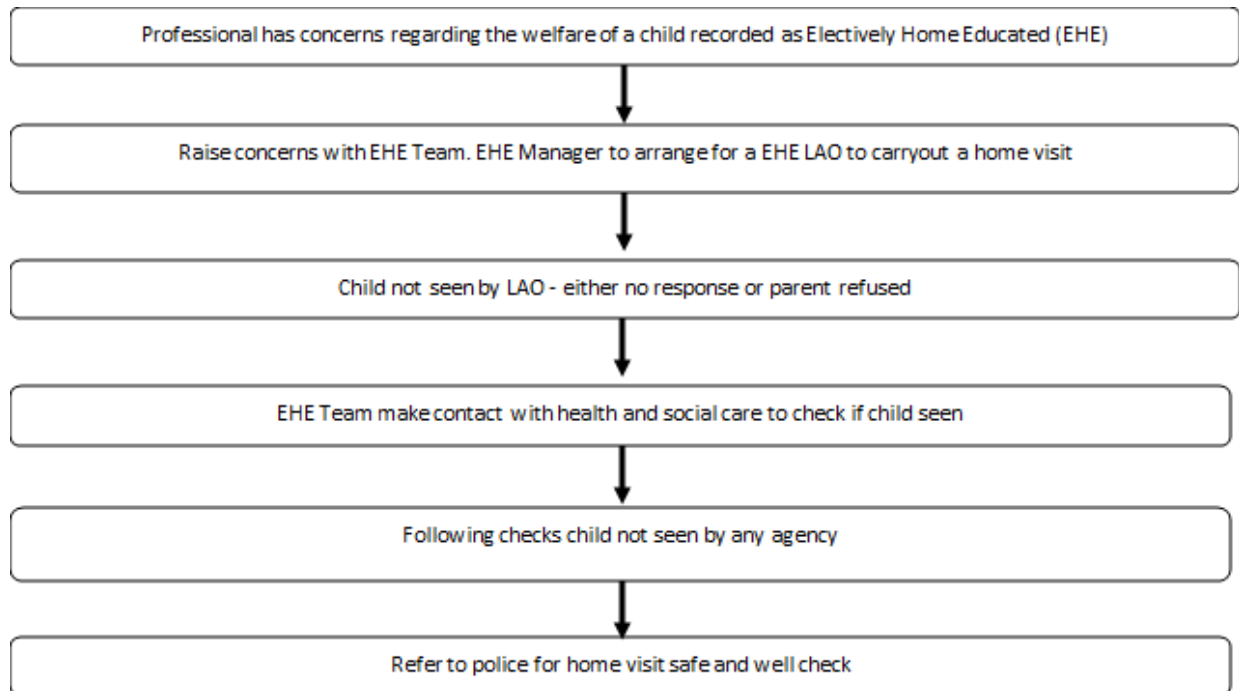
<b>What is going well?</b>
<b>What are we worried about?</b>
<b>What needs to happen?</b>

<b>Scaling question- <i>How do you think home education is going, if <u>10</u> is really good and <u>1</u> not good, where do you see yourself?</i></b>		
	<b>Score</b>	<b>Why</b>
<b>Young Person</b>		
<b>Parent</b>		
<b>Reviewer</b>		

<b>Name of reviewing officer:</b>		
<b>Signature:</b>		
<b>Date:</b>		
	Maintained	Progress made
<b>Parents signature:</b>		
<b>Date:</b>		



**Process to escalate safeguarding concerns for a child registered as EHE**



If at any point professionals have concerns about the child's welfare or after multiple professional attempts the child is not seen professionals should refer into Multi Agency Safeguarding Hub for children's social care assessment

[Referral and Initial Information Record \(wigan.gov.uk\)](http://wigan.gov.uk)

**Useful Links**

**Wigan Safeguarding Children's Partnership**

[Professionals \(wiganlscb.com\)](http://wiganlscb.com)

[Thresholds of Need \(wiganlscb.com\)](http://wiganlscb.com)

[Early help \(wiganlscb.com\)](http://wiganlscb.com)

[Report concerns about a child \(wiganlscb.com\)](http://wiganlscb.com)



**Notes and Guidance for Social Workers and Other Non-Educational Professionals  
When Working with Elective Home Education (EHE) Families**

## **Introduction**

Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe parents decisions to provide education for their children, who are of compulsory school age, at home instead of sending them to school.

EHE is different to home tuition and education other than at school provided by the local authority (LA). Children educated at home are not registered at mainstream, special or independent schools, academies, free schools, Pupil Referral Unit (PRUs), full time college courses or children's homes with education facilities.

EHE is different to flexi-schooling arrangements, which are authorised at the discretion of the headteacher of the school where the child is on roll. The head teacher would agree to the pupil remaining on roll part time and registered as EHE whilst authorising absences.

This document, in conjunction with the main EHE policy and supporting documents, outlines Wigan Council policy and procedures to enable the Local Authority to comply with their responsibilities and duties towards children living in Wigan borough whose parents have taken the decision to educate them at home.

As stated in the DfE Guidance, April 2019, *'Educating children at home, works well when it is a positive choice and carried out with proper regard for the needs of the child'*. Wigan Council recognise that there are many approaches to educational provision and that what may be suitable for one child will not be for another, but all children should be involved in a suitable learning process.

The Local Authority has a duty under section 436a of the Education Act to ensure that every child receives a 'suitable' education. In order to meet this duty, the EHE Team and wider colleagues oversee elective home education.

Although, there is no provision in law for families to allow the local authority to see the children at home or another setting there is still a duty to assess suitability of education. Families make the decision to allow the LA to do this in order for them to demonstrate that they are meeting their duty as defined in section 7 of The Education Act.

Some families take the decision to submit written evidence rather than accept a home visit. This is in line with their rights and as a local authority we accept this unless there is a concern that the education is unsuitable.

Where there are safeguarding concerns and a EHE family is working with social care or other agencies the professional involved will need to be aware, that unlike a young person who

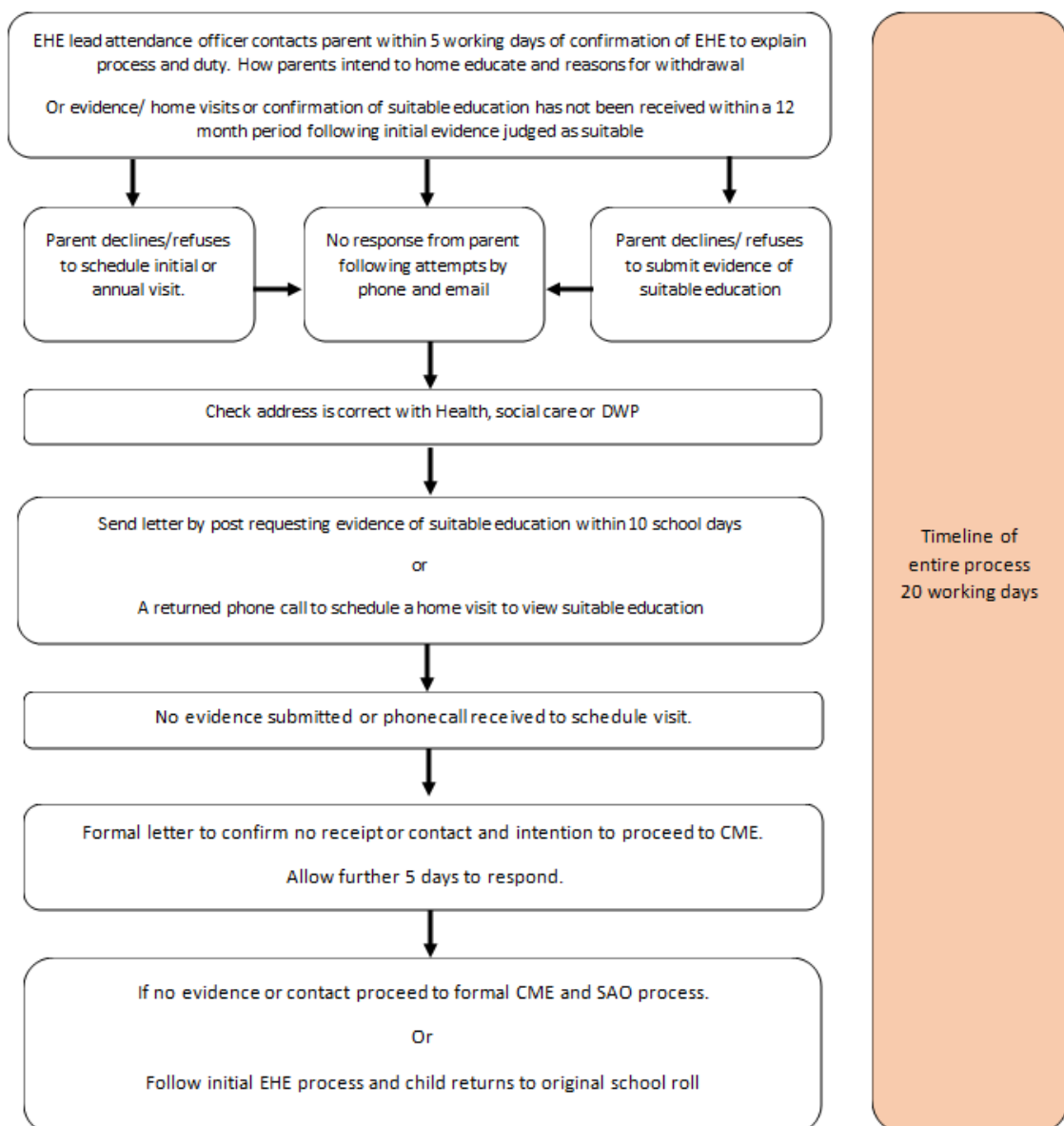
attends a school, there will not be the same 'safety net' of professionals to monitor the young person on a regular basis. The professional will need to consider if the statutory visits prescribed by their service are sufficient to ensure effective safeguarding of the young person. They may need to consider increasing the frequency of such visits to ensure efficient and appropriate safeguarding.

Any questions or concerns can be raised with the EHE Team at [EHE@wigan.gov.uk](mailto:EHE@wigan.gov.uk)

**Appendix 8 Professionals** (To be used in conjunction with Elective Home Education Policy 2022)



**Process to escalate a case when EHE family does not engage with professionals**

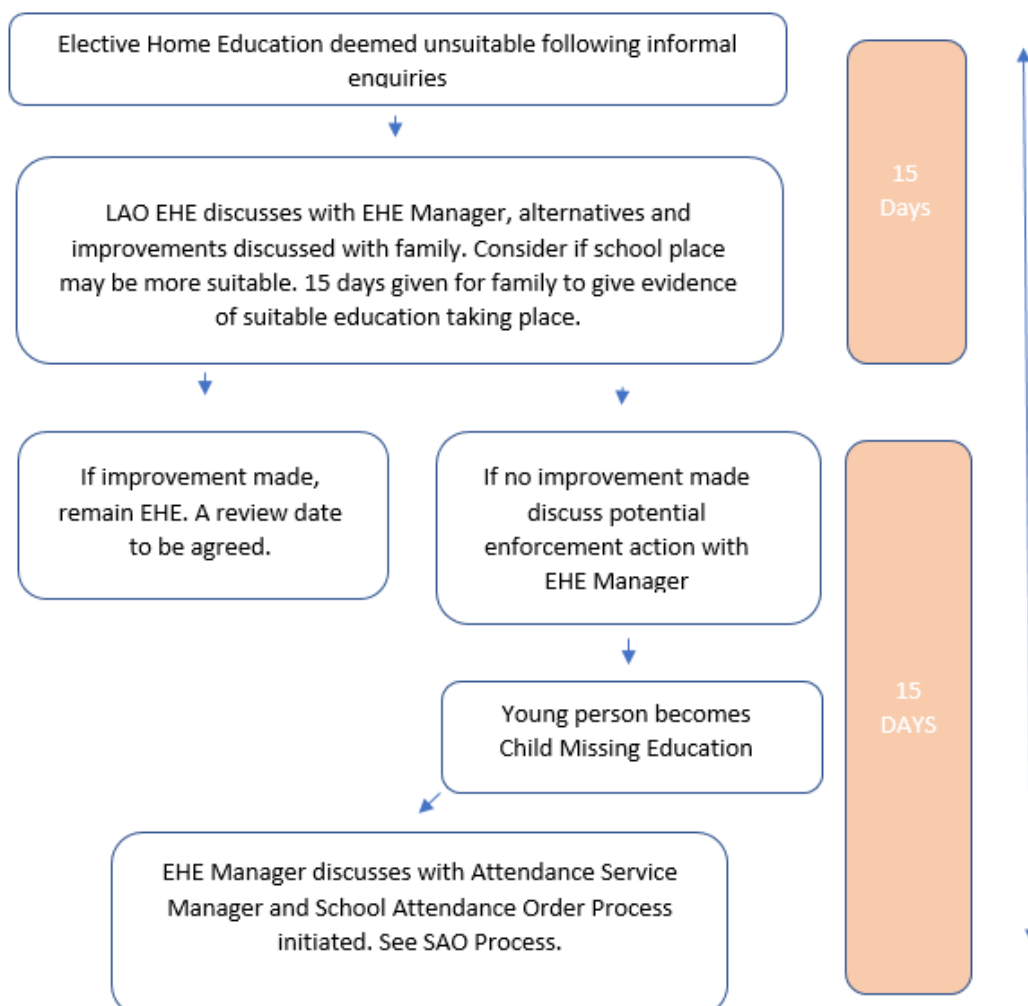


**Appendix 9 Professionals** (To be used in conjunction with Elective Home Education Policy 2022)



**Process to escalate to School Attendance Order (SAO) for EHE/CME for unsuitable Elective Home Education**

**EHE Policy- Where Education is Unsuitable**



**Appendix 10 Professionals** (To be used in conjunction with Elective Home Education Policy 2022)



**School Attendance Order Process**

Potential SAO case is discussed within CME / EHE multi-agency meetings & action made to allocate

Case information shared via email with Attendance Service Manager

SAO is allocated to an Attendance Officer by Attendance Service Manager. All relevant information regarding history of case will be attached. Case will be opened on ONE against allocated Attendance Officer

Attendance Officer makes contact with relevant professionals to arrange a home visit

Home visit – inform parents of next steps regarding SAO. Dairy 5 days

If there is no school application made / evidence of work provided within **5 days**, then issue SAO1. Dairy 15 days

Alert School Places of sent SAO1 & date of expiration via email. During the 15 days liaise with the team to identify a school within reasonable distance that have spaces to ascertain which school to consult to name in the SAO.

If there is no school application made / evidence of work provided within the 15-day period send SAO2a. Dairy 5 days.

If within 5 days, the school refuse to admit send SAO2b / if there is no contact from school within 5 days pursue to next step & serve SAO3. Dairy 5 days.

If there is no response within 5 days of sending SA02b & parent has failed to satisfy the LA that the child is receiving a suitable education serve SA03 (this can only be sent following confirmation that the school are willing to accept the child on roll or alternatively 5 days have passed without the school stating, they will apply to Secretary of State).

SA03 to be signed by Director of Children's Services & 1 letter per parent/carer should be sent.  
Diary 15 days

If within 15 days, the parent applies for the child to be admitted to a school in another LA or the LA notifies us of that application & the child is offered a place that school should be named in the SAO.

If within 15 days following the SA03 being sent the parent fails to register the child at a school or provide evidence of a suitable education issue SA04. Diary 15 days.

Parents have 15 days to comply with SA04. Issue SA04 by first class post / hand deliver

Failure to comply with the SAO is an offence under S443 of the Education Act 1996 unless they prove their child is receiving a suitable education.

Email Legal Services informing of the decision to pursue.

**Appendix 11** (To be used in conjunction with Elective Home Education Policy 2022)

**School Attendance Order (SAO) for children with a social worker**

