

# Penistone St John's Primary School

## Elective Home Education Policy

PSJP36



Approved by:

Governors

Date: Spring 2025

Last reviewed on:

Spring 2025

Next review due by:

Spring 2026

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## INTRODUCTION

The policy has been updated to reflect the Department for Education (DfE) Guidance for Parents and Local Authorities issued April 2019. Whilst the guidance is non-statutory it has been produced to inform Local Authorities, schools, parents, and other organisations concerned with Elective Home Education (EHE). A separate document for parents has been produced to support the DfE guidance.

The DfE guidance is intended to help Local Authorities understand their existing powers, and their duties in relation to children who are being educated at home, and how those relate to the obligations of parents. It aims to enable Local Authorities to identify children not receiving a suitable education, and to do something about it. The result should be that every child is receiving a suitable education in a safe and appropriate setting, whether at home or in school. <https://www.gov.uk/government/publications/elective-home-education>.

Elective home education is the term used to describe a choice by parents to provide education for their children at home or in some other way in which they choose, instead of sending them to school full time. This is different to education provided by a Local Authority otherwise than at a school/academy, for example, tuition for children who are too ill to attend school (EOTAS – Education Other Than at School). Throughout this policy “parents” should be taken to include all those with parental responsibilities, including guardians and foster carers, although in this case the Local Authority may be the corporate parents.

Section 7 of the Education Act (1996) states that the parent of every child of compulsory school age shall cause them to receive efficient full-time education, suitable to age, ability, aptitude, and to any special educational needs they may have, either by regular attendance at school or otherwise. Where parents have chosen to home educate, Barnsley Council wants the home educated child to have a positive experience and aims to achieve this by developing positive, supportive relationships with parents and by working together, to ensure the provision is in the best educational interests of the child.

Barnsley Council has a responsibility for ensuring appropriate arrangements are in place to safeguard and promote the welfare of all the children residing in the borough, including home educated children.

Barnsley Council strives to establish positive relationships with families choosing home education. Where this is achieved, it enables the Local Authority to better understand parents’ educational provision and preferences, offer them appropriate support, and provide a sound basis for investigation if the authority receives information or establishes that a suitable education is not being provided.

Barnsley Council acknowledges that the parents' education provision will reflect a diversity of approaches and interest and understands that children learn in different ways and at different times and speeds. The Local Authority appreciates that parents and children may require a period of adjustment before finding their preferred mode of learning, and that families may change their approach over time. However, the Local Authority expects that suitable Education is provided from the point of registration for EHE. 2 | Page

## REASONS FOR ELECTIVE HOME EDUCATION

Home education is not the only alternative to school attendance. In any circumstances where a child cannot attend school the Local Authority should be offering alternative provision to reduce the likelihood that a child will not receive a suitable education. Notwithstanding that, there are many reasons why parents do choose to educate children at home. Research by Smith et al 2020 found these to include:

The inflexibility of the school system in relation to testing, monitoring, standardised curriculum, approaches to learning and school-start age.

Parents/carers who home educated often saw the school environment as not conducive to learning or wellbeing.

For some parents/carers of children with special educational needs and disabilities (SEND), there was clear frustration about the lack of support made available for their children while they were in the school system. For some children, the experience of school was having a negative impact on mental health and wellbeing, resulting in extreme physical symptoms, 'meltdowns', and breakdowns.

Parents/carers sometimes felt that their concerns in relation to SEND and wellbeing were not taken seriously by school staff, leaving them feeling isolated and powerless.

Pressure to withdraw children from school was felt particularly when schools displayed little attempt to support children; pressure was more acute when families were facing fines for non-attendance, while underlying issues were not addressed.

Some parents/carers, and most particularly those who had never sent their children to school, had a strong educational philosophy that was at odds with what was practised within schools.

For a small number of families, parental work, home life, religious beliefs and financial situations meant that home education was regarded as a better fit for their lives.

In addition to the reasons highlighted by Smith et al (above), it is important to consider other reasons why some children are electively home educated, including parental concerns of safety related to discrimination and bias. Education settings may not always be considered by some parents to be a safe environment for their children.

These various reasons for undertaking home education are not mutually exclusive. For some children, several of these factors might apply. Barnsley Council aims to engage with home-educating families and considers the context of individual situations. Often home education will be undertaken as a positive choice which is expected to lead to a better outcome, however, in some cases home education may be attempted as a last resort. This appears to be occurring more frequently and is likely to have implications for the quality of home education provided. In these circumstances, families may require more support and guidance.

The Education Welfare service strives to provide this support and aims to work with families to prevent EHE being chosen when families feel they have no other alternative. 3 | Page

## LEGAL REQUIREMENTS FOR ELECTIVE HOME EDUCATION PARENTS

The responsibility for a child's education rests with his/her parents. In England, education is compulsory (for children aged 5 to 16) but school is not.

There is no legislation that deals with home education as a specific approach. However, Section 7 of the Education Act 1996 states:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable: ○ to his/her age, ability, and aptitude, and  
○ any special education needs he/she may have either by regular attendance at school or otherwise.

An "efficient" and "suitable" education is not specifically defined in the Education Act 1996 but "efficient" has been broadly described in case law (Harrison & Harrison v Stevenson, 1981) as an education that "achieves that which it sets out to achieve", and a "suitable" education as 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".

The 1996 Act specifies each child should receive a full-time education but again this does not offer a definition of full time. As guidance, children in school spend approximately 25 hours in lessons each week. The former DfE provided guidance that full time education should be no less than 20 hours but that the education provision could take various forms.

There are no specific legal requirements as to the content of home education, provided the parents are meeting their duty in Section 7 of the Education Act (1996). This means that education does not need to include any specific subjects and does not need to have any reference to the National Curriculum; and there is no requirement to enter children for public examinations.

There is no obligation to follow the 'school day' or have holidays which mirror those observed by schools. Many home educating families do follow a clear academic and time structure, but it should not be assumed that a different approach which rejects conventional schooling, and its patterns is unsatisfactory or constitutes 'unsuitable' education. Approaches such as autonomous and self-directed learning, undertaken with a very flexible stance as to when education is taking place, should be judged by outcomes, not on the basis that a different way of educating children must be wrong.

Parents are expected to provide a suitable education from the point of registration of EHE. Parents will be required to provide the Local authority with evidence of work that is taking place relevant to the child's needs and abilities so that the Local Authority can satisfy itself that the child is in receipt of a suitable education. Should parents fail to provide this evidence the Local Authority will assume that there is no suitable education and will use its legal powers to return children to suitable education. **4 | Page**

## THE ROLE OF THE LOCAL AUTHORITY AND LEGAL RESPONSIBILITIES

Sections 437 to 443 of the Education Act 1996 places a duty on the LA to act if it appears that a child is not being properly educated, i.e., receiving an education suitable to age, ability, aptitude, and any special educational needs:

If it appears to a local education 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. (s 437 (1)).

The simple fact that a child is being educated at home does not mean that he or she is not receiving a suitable full-time education. However, to fulfil their section 436A duty, local authorities are entitled to make informal enquiries of parents to establish what education is being provided.

The local authority will make such enquiries if it becomes aware that a parent is educating a child at home - or may be doing so. Parents are under no legal obligation to respond, but if they do not, the local authority is entitled to conclude from the absence of any response that it appears that the child is not receiving a suitable education, and this may lead to a school attendance order being issued.

The Local Authority will consider trends in home education in a wider strategic context, for example, in identifying shortcomings in local school provision and alternative provision settings, or failures by schools to manage attendance and behaviour properly.

To meet the requirements of the DFE guidance Barnsley Council will:

Keep and maintain an up-to-date register of pupils that are home educated

Provide the Barnsley School's Alliance with termly reports on the EHE cohort to identify trends.

The Education Welfare Service will provide advice to parents and the child by undertaking a home visit to speak to the parent and the child to obtain their wishes and feelings when the service is notified that the parent is considering EHE.

Record the reasons for EHE that is either stated in the parental letter given by the school or obtained through parental contact.

Identify and register all children that are not in a formal school setting this register is known as the 'Children Not in School Register' and includes children that are electively home educated as well as children missing from education.

Keep an up-to-date policy which reflects the views of those in the EHE community which is reviewed regularly in line with national guidance.

Take a holistic approach to EHE to address issues of suitability and safeguarding.

Make the rights and obligations of parents clear to them and provide advice on good practice and available resources.

Provide clear details of the complaint's procedure and deal with any complaints in a sensitive manner.

Provide up to date information for local and national inspection purposes for children on the 'Children Not in School Register'.

To have systems and protocols in place, that support pupils in swiftly returning to school-based education when EHE is no longer parental choice, or the education provided is not deemed suitable by the Local Authority.

The Local Authority will work with schools and academies to encourage parents **not** to decide to educate their children outside the school system if any of the following apply:

As a response to disputes with school over the education, special needs, or behaviour of the child, in some cases resulting in “off-rolling” or exclusion. **In these instances, every attempt should be made to resolve the issue with the Head Teacher/ Designated Safeguarding Lead at the school.**

To utilise fair access procedures to return children to the school from which they were removed, in instances when education is deemed unsuitable or if parents decide to end home education. The rationale for this is to prevent cases of off rolling and multiple school moves for children.

As a solution when a child has not been attending school on time or regularly. It may be even more difficult to provide a full-time education for him or her at home.

As a final or once and for all decision. It may be possible to manage home education for a child at infant or junior level, but the situation can be very difficult when there is need to study for GCSEs, especially in subjects which have a major practical element, or a significant controlled assessment content.

To gain access to Barnsley College for key stage 4 pupils who are registered as elective home educated.

Familial reasons which have nothing to do with education such as using children as carers.

If parents choose to educate their child(ren) at home, they accept ‘full responsibility’ for their education. Barnsley Council recommends that before deciding on home education parents:

Consider all the issues very seriously. It is a great responsibility and requires a considerable commitment in time and energy.

Plan what it is intended to do with the child before deciding. Consider the costs involved.

Be aware that the child may well miss the social side of school, especially contact with other children and joint activities. There are no grants available to help with home education.

Costs of materials, equipment, examination fees and so forth, must be borne by parent

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## REGISTERING PUPILS AS ELECTIVELY HOME EDUCATED AND REMOVAL FROM THE ADMISSIONS REGISTER

Barnsley Council strives to maintain an up-to-date register of those being educated at home. If parents write to the Council stating that they intend to educate their child at home from a specified date, including the child's name date of birth and address, they will be placed on the Children Not in School Register. If a child is below statutory school age, then parents need not do anything to register their child.

Barnsley Council works in partnership with Health, Children's Social Care, and the private and voluntary sector to identify any children that are not registered at school and will register children on the Children Not in School Register once identified.

If a child is on roll at a school or Academy, then parents need to notify the school of their intention to educate their child at home and of the intention to have their child removed from roll.

Schools and Academies must delete the child's name from their admissions register upon receipt of notification from the parent. The Local Authority requests that this notification is in writing from the parent stating their intention to educate their child at home, once notification is received schools must inform the Local Authority by completing the EHE1 form, returning it to the Education Welfare Service at [ehe@barnsley.gov.uk](mailto:ehe@barnsley.gov.uk) School must also write to the parent informing them that the child has been removed from school roll. Once the EHE1 form is received, the Education Welfare service will follow the EHE process flow chart (see Appendix 3). The Education (Pupil Registration) (England) Regulations 2024 states that schools must inform their local authority of all deletions from their admission register when a child is taken off roll. If a child is registered at a school because of a school attendance order, parents must get the order revoked by the Local Authority on the grounds that arrangements have been made for the child to receive a suitable education otherwise than at school before the child can be deleted from the school's register and educated at home. In this instance, schools must ensure that the parent has taken steps to do this and that the Local Authority has revoked the order before removing from the roll.

Barnsley Council encourages parents to inform them directly of the withdrawal of a child from school but have no legal right to insist that parents do so. The only exception to this is where the child is attending a special school under arrangements made by the Local Authority, in which case additional permission is required from the Authority before the child's name can be removed from the register. Schools on receipt of notification from a parent of a child attending a special school that they elect to home educate must inform the Local Authority forthwith. The Local Authority will then carry out the necessary checks before determining the suitability of home education of the child. The parent will be notified of the Local Authority's decision.

Keeping Children Safe in Education 2024 states: Where a parent/carers has expressed their intention to remove a child from school with a view to educating at home, we recommend that local authorities, schools, and other key professionals work together to coordinate a meeting with parents/carers where possible. This would be before a final decision has been made, to ensure the parents/carers have considered what is in the best interests of each child. This is particularly important where a child has special educational needs or a disability, and/or has a social worker, and/or is otherwise vulnerable. Where a child has an Education, Health and Care plan local authorities will need to review the plan, working closely with parents and carers. 7 | Page

## DISPUTES BETWEEN PARENTS

In some cases, two parents (usually divorced or separated, but both having parental responsibility) may disagree as to whether home education is desirable, or at least is being provided properly. Barnsley Council will do its best to obtain full details of who has parental responsibility in such cases. The parent with whom the child resides will be considered to have effective control over the child's education. If it is considered that the child is not receiving a suitable education both parents will be kept informed unless there is a specific safeguarding reason to limit information to one parent.

## CHILDREN AND YOUNG PEOPLE WITH SEND EDUCATED AT HOME

The parental right to EHE also applies when a child has SEND.

The Local Authority has regard to the statutory guidance in the Special Educational Needs Code of Practice when carrying out SEN functions. The Code provides information about SEN in relation to home education (paragraphs 10.30 – 10.38). The Code emphasizes the importance of Local Authorities and other providers working in partnership with parents. The Local Authority understands its statutory duties towards children and young people with SEN or disabilities in the light of the guidance set out.

The Local Authority has a duty under Section 22 of the Children and Families Act 2014 to identify all children in their areas who have SEN. This includes home-educated children.

Where a child is registered at a special school under arrangements made by the Local Authority, the Local Authority's consent is necessary for the child's name to be removed from the admission register, but this should not be a lengthy or complex process and consent must not be withheld unreasonably.

Even if the parent is making suitable alternative arrangements by the provision of home education, the Local Authority is still under an obligation to conduct an annual review of the Education, Health and Care (EHC) Plan, and that should provide an opportunity for parents to seek additional support or discuss alternatives to home education.

EHE can be included as participation in education until the age of 18.

In cases where the Council and parents agree that home education is the right provision for a child or young person with an EHC plan, the plan should make clear the child or young person will be educated at home. If it does then the Council, under Section 42(2) of the Children and Families Act 2014, **must** arrange the special educational provision set out in the plan, working with the parents. However, under Section 19 of the Act the Council must have regard to the views, wishes and feelings of the child and the young person.

The right to request an EHCP is the same for all children including those that are home educated. Information about the right to request an EHCP needs assessment and the right to appeal is available to all parents, including those who are considering home education because they feel that the special educational support being provided in the school is insufficient to meet the child's needs.

In some cases, the Council will conclude that, even after considering its power to provide support to home-educating parents, the provision that is or could be made for a child or young person with an EHC plan does not meet the child or the young person's needs. In that instance, the Council is required to intervene through the School Attendance Order framework. 8 | Page

## **GYPSY, ROMA AND TRAVELLER CHILDREN**

Gypsy, Roma and Irish Travellers of Irish heritage are protected by the Race Relations Act of 1976 and have ethnic status in law. "Traveller" is an all-embracing term for those groups who do not have this status. There are several distinct groups. Some terms are interchangeable, but it is important to approach the question of identity with respect and for individuals to self-ascribe. The Council is committed to being sensitive to the needs of this community and the families who are electively home educating should be treated in the same way and the same guidance should be followed.

Families can seek advice in respect of EHE from the Advisor or Education Welfare Service.

## **THE ROLE OF THE EHE ADVISOR (ALL CHILDREN)**

The EHE Advisor's involvement commences when elective education at home has been confirmed by the Education Welfare Service. Suitable education should be provided from the outset.

The EHE Advisor will, with the parents' consent, visit the home or pre-arranged meeting place to discuss with the parent(s) and, if possible, with the child, the programme of work.

Parents should provide the EHE Advisor with detailed information about the education they are providing. Although parents are not under a legal obligation to do this, by not doing so, a conclusion of no suitable education can be reached, and the matter can be referred to the Education Welfare Service.

Under section 437 of the Education Act 1996, the EHE Advisor will identify children who may not be receiving a suitable education and will refer to the Education Welfare Service to act. If the council is not satisfied that a suitable education is being provided and the parents have not addressed these concerns the Education Welfare service will follow the School Attendance Order flow chart in Appendix 4. 9 | Page

## **FLEXI-SCHOOLING**

Home educated children are not normally registered at any school, however, parents can choose for a child to receive part of their total provision at a school. The purpose of this will often be to provide education in specific subjects more easily than is possible at home. Such arrangements are known as 'flexi-schooling'. Schools are under no obligation to agree to such arrangements; if the school does agree then the child must be added to their admissions register and coded as authorised absence when the education is taking place at home. Parents must still ensure that the child receives a suitable full-time education, but the element received at school must be considered when deciding whether that duty is met.

## **WORK EXPERIENCE**

Children educated at home have no entitlement to participate in work experience under arrangements made by the Council. Parent/Carers who wish for their child to complete work experience must ensure that they have appropriate insurance in place. The Council can advise on this but cannot cover the costs. The relevant Employers are responsible for carrying out risk assessments in respect of young people on work experience placements as if they were members of their staff.

## **CHILD EMPLOYMENT AND ENTERTAINMENT**

The law surrounding paid employment for young people of compulsory education age remains the same as those who are home educated as those in full time school. This means that paid employment cannot be done during the school day.

Performance Licence applications and information regarding children participating in broadcast and non-broadcast performances modelling and sporting activities can be found on BMBC website.

## **PROVIDING INFORMATION FOR PARENTS AND YONG PEOPLE**

The provision of clear information has an important role to play in the promotion of positive relationships. The Council provides written information and website links for prospective and existing electively home educating parents that are clear and accurate, and which set out the legal position, roles, and responsibilities in an unambiguous way. It also recommends that contact details for home education support organisations are provided. Home education organisations' contact details may also be found through an internet search. All reasonable written information is made available to parents. The website can be viewed at: [www.barnsley.gov.uk/educating-your-child-at-home](http://www.barnsley.gov.uk/educating-your-child-at-home) and further advice can be sought through the Education Welfare Service and the Elective Home Education Advisor.

A home visit from an Education Welfare Officer is offered to all parents at the point of notification of EHE, to further support parents in understanding their responsibilities.

The Education Welfare Service has also devised a leaflet for children and young people to ensure they understand the implications of EHE and where they can access support that they would usually access through school, this will be shared with the child on the visit and can also be found at [www.barnsley.gov.uk/educating-your-child-at-home](http://www.barnsley.gov.uk/educating-your-child-at-home) 10 | Page

## **SAFEGUARDING**

The Council has a responsibility for ensuring that appropriate arrangements to safeguard and promote the welfare of children are in place for all children within the borough, including home educated children. This is detailed within Working Together to Safeguard Children, updated August 2023.

Sections 10 and 11 of the Children Act 2004 give Local Authorities general duties for promoting the well-being and safeguarding of children in their areas. This includes children educated at home as well as those attending school. Section 175 of the Education Act 2002 requires authorities to ensure that their education functions are exercised with a view to safeguarding and promoting children's welfare. Therefore, the general duties of Local Authorities in relation to safeguarding are the same for all children, however they are educated.

The EHE Advisor will have regard to the relevant guidance and Barnsley Safeguarding Board's Safeguarding Procedures when considering what action to be taken where there are serious concerns about the welfare of a home educated child.

Parents who choose to employ other people to educate their child(ren), though they themselves will continue to be responsible for the education provided, will also be responsible for ensuring that those whom they engage are suitable persons to have access to their children. Parents should satisfy themselves by taking up appropriate references and/or requesting a potential tutor to consent to a Disclosure and Barring Check (DBS).

Any parents with concerns about any aspect of safeguarding are encouraged to contact the Advisor or the Education Welfare Service so that the appropriate expert officer can be contacted. Please use the following website address: [www.safeguardingchildrenbarnsley.com](http://www.safeguardingchildrenbarnsley.com)

If a child or young person is subject to a Child protection plan the Education Welfare Service will work in partnership with the professionals in Children's Social Care to ensure all parties fully understand the implications and management of EHE. Children who are EHE are seen less frequently than those on a school roll and this will be considered when child protection planning takes place.

## **REVIEWING PROCEDURES AND PRACTICES**

The Council will review these guidelines and practice in relation to home education on a regular basis. Home education organisations and parents are involved in the process of review to ensure the most effective practice and strengthen partnerships. 11 | Page

## **SUPPORT AND AGENCIES CONTACT DETAILS**

### **WESPNEU**

Worldwide Education Service and Parent's National Foundation Union 35Belgrave Square  
LONDON  
SE1X 7ED Tel: (0171) 235 2880

### **Education Now**

Websedge 9-11 Grosvenor Gardens London SW1W 0BD [Tel:02076121830](tel:02076121830)

Website:

<https://services.parliament.uk/bills/201719/homeeducationdutyoflocalauthorities.html>

### **Local Organisations/Contacts Barnsley BMBC**

Education Welfare Service Corporate Mailroom, PO Box 634 Barnsley, S70 9GG Tel: 01226 773545 E-mail: [EHE@barnsley.gov.uk](mailto:EHE@barnsley.gov.uk)

### **Laura Collins**

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[www.parentcentre.gov.uk](http://www.parentcentre.gov.uk). Advice website for EHE parents [www.education.gov.uk](http://www.education.gov.uk) website for advice on National Curriculum matters [www.homeschool.co.uk](http://www.homeschool.co.uk) Christian Home School