

**Learning Improvement Service**

**Elective Home Education Policy**

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Learning Improvement Service, SEND, Education & Inclusion, Children’s Services,

Cumbria House, 117 Botchergate, Carlisle, CA1 1RD

[**cumberland.gov.uk**](http://westmorlandandfurness.gov.uk)

1. **Introduction**

Elective Home Education (EHE) is the term used when parents choose to provide education for their children at home instead of sending them to school full-time. This is different from education provided by a local authority (LA) other than at a school – for example, hospital and home tuition for children who are too ill to attend school.

A variety of people from all walks of life choose home education for their children. Home educators and their children are a very diverse group. The practice of most home educating families tends to fall somewhere between being quite structured and formal, perhaps almost creating a sense of school-at-home, and being very informal, learning as opportunities arise and a young person’s interests change (often known as child-led learning). A more formal approach may be chosen if a young person is quite likely to return to school in the foreseeable future, for example to take exams. This can give a family a useful sense of stability and structure, allowing them to build their confidence and know where they are going. Other families take advantage of the flexibility that home education allows.

Young people can continue right through their school age years being home educated, often taking the same kind of exams as their peers in schools. Some continue to home educate up to age 18 but many go on into higher education, and some spend periods in different forms of education. Some young people don’t take any exams but may move straight into work or training. There are just as many possible outcomes for home educated young people as for those in schools.

1. **Principles**

Cumberland Council respects the right of parents to educate their children at home. When parents choose to home educate, Cumberland Council considers it desirable for parents and the Local Authority to work together to establish and maintain a positive dialogue in the interests of the child to ensure a high quality education is received and children are safeguarded.

Parents are responsible for ensuring that their child receives an efficient, full-time education suitable to their age, ability, aptitude and any special educational needs, either by regular attendance at school or otherwise. Local Authorities have the same safeguarding responsibilities for children educated at home as for children educated in school.

1. **Purpose**

The purpose of this policy is to clarify for schools, parents, carers, guardians and related agencies, the framework by which the Local Authority carries out its statutory responsibilities, and to encourage good practice, by setting out the legislative position and the roles and responsibilities of the Local Authority and parents. Cumberland Council recognises and accepts that Home Education approaches can be varied and flexible, and that there is no one approach to educating a child from home.

This policy sets out the way in which Cumberland Council carries out its duties under the Education Act 1996 with regard to Elective Home Education.

1. **The Law relating to Elective Home Education**

The responsibility for a child’s education rests with the parents. Education is compulsory, but going to school is not. If parents choose to educate at home, the law is clear – a child should have an efficient, suitable full-time education.

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

In England the main legislation relating to home education is the 1996 Education Act. Section 7 of this act states:

*“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.”*

“Full time” does not mean school hours or the number of school days per year. There is no legal definition of full time for home education. Children attending school normally have about 25 hours teaching a week for 190 days or 38 weeks a year. However, home education does not have to follow this pattern. Elective home education is often almost continuous one-to-one contact and education sometimes takes place outside normal “school hours”. Parents should be able to discuss the amount of time the child is being educated.

The word “efficient” is not defined in the Education Act. However, the courts have established that education is “efficient” if it achieves what it sets out to achieve. This is not the same as “suitable”; a curriculum could be delivered efficiently, but not meet the child’s needs and therefore not be suitable.

There is no definition of a “suitable” education in English law. The courts have previously stated “suitable” education prepares young people for life in the community of which they are a part (including participating fully in the life of the UK through secular education) and if it does close options to adopt a different lifestyle if he/she chooses. This means education should be age appropriate and enable the child to make progress according to their ability.

The latest Department for Education guidelines for parents suggests the following should also be considered when thinking about suitability:

a) 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, and

the education should aim at enabling the child, when grown-up to function as an independent citizen in Britain, and outside the community in which he or she was brought up, if that is the choice made

b) to be ‘suitable’, education at home should not directly conflict with the Fundamental British Values defined in government guidance

c) local authorities may use minimum expectations for things such as literacy and

numeracy in assessing suitability

d) education may not be “suitable” even if it is satisfactory in terms of content and

teaching, if it is delivered in circumstances which make it very difficult to work (for example in very noisy premises), or leads to excessive isolation from the child’s peers, and thus impedes social development.

**The Rights of the Child**

The UK has ratified Article 12 of the United Nations Convention on the Rights of the Child (UNCRC), which provides a right for children to express their view in accordance with age and maturity. The decision to educate a child at home or at school is a matter for the parents. When making a choice parents should consider family circumstances and whether the child will be happy to be educated in this way.

1. **Parental rights and responsibilities**

Parents may decide to home educate their child(ren) from a very early age and therefore the child is never enrolled in a school. Parents may also elect to home educate at any other 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.

Parents who home educate take on the full financial responsibility for their child’s education. This includes the costs of resources and public examinations. Further details on resources and exams are found on our webpage:

<https://www.cumberland.gov.uk/schools-and-education/educating-your-child-home>

If a child is on roll at a school, the parent/carer with parental responsibility must write to the headteacher of the school and inform them that they are withdrawing their child in order to educate them at home. They might want to quote the regulation *9(1)(c), The Education (Pupil Registration) Regulations 1995.* The school must then remove the child’s name from the school roll.

Parents who home educate do not have to have specific qualifications, teach the National Curriculum, give formal lessons, match school-based, age-specific standards or complete SATs tests.

Parents must comply with notices and orders served by Cumberland Council under section 437 of the Education Act 1996, if it appears that parents are not providing a suitable education.

**Children with an EHCP**

Under Section 7 of the Education Act 1996 parents have the right to educate children, including children with special educational needs and disabilities (SEND), at home irrespective of whether the child has an Education, Health and Care Plan (EHCP). The local authority retains a duty to maintain and review an EHC plan annually as set out in the Code of Practice for SEND.

Parents with children who are registered at a mainstream school, with or without an EHCP, can elect to home educate without local authority approval. Home education must be suitable to the child’s age, ability, aptitude and special educational needs, but parents do not have to arrange provision as detailed in the plan.

If a child is registered at a special school named in their EHCP, parents must first consult with the local authority prior to deregistration.

**Children with Social Care Involvement**

All children who have Social Care involvement are considered on a case-by-case basis.

It is unlikely that it is appropriate for a child on a Child Protection plan to be deregistered from school to be home educated, as the threshold is that the child is suffering or is likely to suffer significant harm. In this instance, the school, parents and Local Authority will work together to ensure that the child stays in school if appropriate.

Children on Child in Need plans are monitored by Social Care working together with the EHE officer.

**Children in Year 10 and Year 11**

Where young people are deregistered from school in Years 10 and 11 (Key Stage 4), particular attention will be given to ensuring appropriate learning pathways are discussed with relevant parties. The Home Education team will often do joint visits with inspira (careers help and advice). There is an expectation that parents will work together with the Local Authority to establish clear plans for securing progression to Post 16 learning or employment with training, often through achieving recognized qualifications.

**Mobile families**

Some families who are mobile, such as Travellers, may also choose to educate their

child/ren at home. Mobile families who are home educating are asked to contact any of the officers named in this booklet when they arrive in or leave Cumberland. There are also some specific organisations to help Traveller families who wish to home educate their child/ren.

1. **Choosing home education**

Most families make a pro-active decision to home educate. These families usually provide an extremely high standard of education for their children. However, some families feel backed into a corner and that home education is the only available option when it feels like school issues cannot be resolved, or where attending school regularly is a struggle.

Pressure should never be put on parents by a school to home educate and remove a child from a school to avoid a permanent exclusion, or because a child is having difficulty attending. This practice is called off-rolling and is unacceptable.

Parents should be fully aware of the expectations and implications of home educating before committing to making this important decision. Cumberland Council recommends parents are signposted to the government guidance for parents and seek advice from the Elective Home Education team, before formally asking the school to remove the child from the school roll.

1. **Schools’ responsibilities**

**Schools must not seek to persuade parents to educate their child at home, nor is it recommended for parents to elect to educate their children at home as a way of solving a perceived or ongoing problem for a school.**

Prior to deregistration, Cumberland Council recommends that parents are given contact details and advised to seek advice and guidance from the EHE team before formally asking the school to remove the child from the school roll.

When a school receives written notification from a parent of their intention to home educate their child, it is the responsibility of the school to:

1. Offer a meeting with parents to discuss any issues or concerns that could be resolved to enable the child to continue to be educated at the school. Please note there is no legal requirement for parents to discuss home education with the school.
2. Acknowledge the deregistration in writing and delete the child’s name from the school register.
3. Fill in the EHE1 form and send to the EHE team at [ElectiveHomeEducation@cumberland.gov.uk](mailto:ElectiveHomeEducation@cumberland.gov.uk), along with a copy of the deregistration from parents.
4. Ensure that the pupil file is retained in accordance with usual procedures.
5. **The Local Authority’s Responsibilities**

In Cumberland, home education sits within the Learning Improvement Service. Members of the Learning Improvement Service have a broad experience in education and have received additional training in elective home education with regular updates. All members have enhanced DBS (Disclosure and Barring Service) clearance.

We understand there are many different ways to learn and that it is vital that parents and children choose an approach that works for them. The EHE team are not there to tell you how to educate your child or to promote registration at school. We are here to provide support and information, and to respond when a child is not receiving a full-time education suitable for their needs, age, ability and aptitude.

**Contact**

When the Local Authority becomes aware that parents have elected to home educate, initial contact is made, usually within 3 weeks. Cumberland Council EHE team will make informal enquiries using questions to parents around 2 months after deregistration. These include questions around numeracy and literacy, physical and social activities, and other learning that is taking place. If contact cannot be established, a referral to the CME (Children Missing Education) team will be made.

Some families find a visit helpful either at home or another venue. The home education team believe that open, face-to-face discussion is the best way of building a useful relationship. Alternatively, a written response can be sent in response to our enquiries. Some parents prefer a phone call or a virtual meeting.

Cumberland Council EHE team contact parents annually to offer support and make enquiries on what education provision is being made for a child.

Some parents seek more frequent support, and this is available if requested.

A suitable education would include the following:

Education is not in conflict with British Values such as tolerance, respect for others

and rule of law.

Children are making progress over time in literacy and numeracy skills which

underpins all learning.

Children are not in isolation but have opportunities for socialising with others beyond

the family.

Children have an appropriate environment in which to learn.

The provision is full time, meaning it takes a significant portion of the child’s day.

Parents are under no duty to respond to enquiries, but if a parent does not respond or responds without providing sufficient information about the child’s education, then it will normally be justifiable for the Local Authority to conclude that the child does not appear to be receiving suitable education.

**Unsuitable Education**

The Local Authority has a duty to identify children who are not receiving a suitable education.

Section 436A of the Education Act 1996: “*A local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but — (a) Are not registered pupils at a school, and (b) Are not receiving suitable education otherwise than at a school:*

Section 437 (1) Education Act 1996 provides 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 (which must be no less than 15 days) that the child is receiving such education.”*

Section 437(3) Education Act 1996 provides that if a parent fails to satisfy the local authority within the specified period that their child is receiving a suitable education, it has the power to issue a “school attendance order” requiring that their child become a registered pupil at the school named in the order.

If the educational provision is deemed unsatisfactory, the parent(s) will be told in a letter or email what the home education team is concerned about and why. The EHE team may also be looking for clarification and ask further questions.

If appropriate, the Local Authority may be able to suggest other services which may be useful or may suggest asking other people for advice. The letter or email may contain specific recommendations which would ensure that the child(ren) receive a suitable education. It might also suggest timescales and arrangements for future contact to ensure progress has been made.

Throughout this process any parent would always have the opportunity to avoid any legal proceedings by satisfying the authority that they are providing a suitable education.

**Safeguarding**

Cumberland Council has a general duty to safeguard and promote the welfare of all children. The EHE team have a responsibility to ensure all children are safeguarded and their welfare promoted throughout their work. The EHE team will act upon any concerns that a child may be at risk of significant harm, in accordance with local child protection procedures.

The Local Authority has a duty to consider where the lack of education is leading to suffering of considerable harm by a child. This would be where the child’s social or intellectual development is being significantly impaired. In this situation the LA would use part 5 of the 1989 Children Act to begin a section 47 assessment to identify if the child is at significant harm.

**Use of Tutors**

Some parents choose to use tutors or similar to support their child’s learning. All adults who work with children and young people should now have checks made about them with the Disclosure and Barring Service before they can be employed.

Although this gives no absolute guarantees, it does provide an additional safeguard that the people who are entrusted with the welfare and safety of children and young people do not present any known risk to them. Parents are responsible for the safety of their children at all times, and it is recommended that anyone who is engaged to help in education who has not been subject to a recent check, should complete the declaration form on the council Home Education webpage.

The EHE team will have the necessary checks made free of charge for one person.

**Complaints**

If you are unhappy about any aspect of the communication or contact with you, please let the authority know and all efforts will be made to resolve your concerns.

Alternatively, you may write to:

Martin Birch,

Director of Children and Family Wellbeing,

Cumberland Council,

Cumbria House,

117 Botchergate,

Carlisle,

CA1 1RD

If parents continue to feel that the authority has acted unreasonably in relation to home-educated young people, they can appeal to the Secretary of State for Education, under Section 68 or 69 of the 1944 Education Act, or to the Ombudsman.

1. **Disputes between Parents**

It may be that there is a situation where 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. We do our best to gain information about who has parental responsibility. The parent who the child lives with most is usually in control of the decision. However, there may be a family court order about this.

It should be noted that if a child is on roll at a school and does not attend, both parents are committing an offence and are at risk of prosecution.

1. **Confidentiality and Data Protection**

Cumberland Council abides by the Data Protection Act and the Human Rights Act and the home education team respects your right to confidentiality. Information can only be shared without your consent in exceptional circumstances and where there are statutory grounds to do so, for example to prevent serious harm or to detect or prevent crime.

**Cumberland Council Elective Home Education team contact:**

Rachel Bryant – Elective Home Education Officer 07780776456 (Cumberland)

Andrea Brown - Learning Improvement Service Business Support 01946 505548 (West)

Marie Bainbridge - Learning Improvement Service Business Support 01228 226810 (Carlisle)

Email contact: [ElectiveHomeEducation@cumberland.gov.uk](mailto:ElectiveHomeEducation@cumberland.gov.uk)

Webpage: <https://www.cumberland.gov.uk/schools-and-education/educating-your-child-home>

**Appendix 1**

**National and regional organisations**

The organisations listed below are only a sample of the available resources. Please note that Cumberland Council carries no responsibility for the content or quality of the materials or resources from the listed organisations or websites noted here. It is for home educators to judge the suitability and quality of all the materials.

**Education Otherwise** <http://www.educationotherwise.org>

PO Box 7420

LONDON

N9 9SG

Helpline: 0845 478 6345

Largest UK membership organisation which provides support and information for families whose children are being educated at home. General information and contacts for local support groups.

**Home Education Advisory Service** <http://www.heas.org.uk>

PO Box 98

Welwyn Garden City

Herts AL8 6AN

Phone/Fax: 01707 371854

HEAS is a support group which offers information for home educators including advice about educational materials, resources, GCSE examinations, special educational needs, information technology, and legal matters.

**Home Education** http://www.home-education.org.uk/

Legal guidelines, mailing lists, chat, articles, events calendar, research questionnaire, FAQs, support group listings, Northern Ireland section, scrapbook, games, quizzes and other resources.

**HE Special UK** http://www.he-special.org.uk/

Provides information, articles, resources and mailing lists for parents of children with special needs who would like to educate at home.

**Christian Home Education** <http://www.homeschool.co.uk/>

Tips and resources for Christian home schooling.

**Friends, Families and Travellers** http://www.gypsy-traveller.org/

Tel: 01273 234777

FFT is an advice, information and training organisation providing a range of services, including educational advice, to all Travellers – whether traditional, new, settled or on the road.

**Department for Education** https://www.gov.uk/

Government department responsible for education and a host of other matters relating to young people.

**Inspira** https://www.inspira.org.uk/

Support and advice on education, training and careers for all young people throughout Cumberland of 15-16 years and older.