



Elective Home Education (EHE)

Policy and Procedures

Solihull MBC
Reviewed January 2025

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Introduction:

The policy and procedures in this document will support Solihull Metropolitan Borough Council (Solihull MBC) to comply with its duties towards children living in the borough whose parents have elected to educate them at home. It is published for parents, schools and other agencies that support Solihull children or have an interest in Elective Home Education (EHE). In Solihull, EHE duties are carried out by members of the Attendance & EHE Advisory Team and the Education and Health Care Plan (EHCP) Service when appropriate.

This document outlines our recently reviewed policy and procedures which have been developed in accordance with the most recent guidance from the Department for Education (DfE), published in April 2019:

['Elective home education: Departmental guidance for local authorities,'](#) and

['Elective Home Education: Departmental Guidance for parents' Guidelines for Parents'](#)

Solihull MBC is fully committed to the DfE's stance:

'The department believes that although the primary responsibility for ensuring that children are properly educated belongs to parents, a local authority has a moral and social obligation to ensure that a child is safe and being suitably educated. If it is not clear that that is the case, the authority should act to remedy the position'.

Solihull MBC's policy and procedures are designed to:

- Support parents to provide a suitable education for their child(ren) with a clear understanding of the law and guidance surrounding it;
- Support parents with a clear understanding of how Solihull MBC applies the law and guidance regarding EHE;
- Establish how parents, schools and Solihull MBC will work together to ensure all children are receiving a suitable education and are safeguarded appropriately;
- Set out what Solihull MBC deems to be the necessary and proportionate arrangements for seeking assurance that every electively home educated child is receiving a suitable education;
- Set out what action Solihull MBC will take to ensure all children in Solihull receive a suitable education where it is not already suitable;
- Establish how and when the Attendance & EHE Advisory Team will make contact with home educated families to fulfil its duties and to offer advice, guidance and support;

'A child without education is like a bird without wings'

(Tibetan Proverb)

The law in relation to EHE

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

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 -
(a) to his age, ability and aptitude, and
(b) to any special educational needs he may have, either by regular attendance at school or otherwise."*

Elective Home Education falls into the 'otherwise' category as outlined in Section 7. The term "Elective Home Education" is used by the DfE to describe a parent's decision to take full responsibility for providing their child's education at home instead of sending them to school. This only applies to those of compulsory school age and is different from home tutoring and other provisions provided by a school or the Local Authority (LA).

Please see a glossary of terms used within the Education Act 1996 in appendix 1.

Local authorities have a duty under Section 436A of the Education Act 1996 to identify, as far as possible, children who are not receiving a suitable education otherwise than being in school. The Elective Home Education guidance from the DfE, states that local authorities can make informal enquiries to enable them to satisfy themselves that an education is suitable and thus fulfil its duties under Section 436A.

The Education Act 1996 further requires local authorities to serve a notice in writing to those where it appears that a child of compulsory school age is not receiving a suitable education. This requires a parent to satisfy the LA that they are providing a suitable education; otherwise, further action should be taken, which could include the issuing of a School Attendance Order (SAO).

The rights and responsibilities of parents

Parents have a legal right to educate their child at home. The 1996 Education Act makes clear that it is a parent's duty to ensure their child receives an efficient, full-time education suitable to their age, ability, aptitude and Special Educational Needs and Disabilities (SEND) in accordance with section 7.

Parents who elect to home educate take **full responsibility** for their child's education, **including any and all financial costs** such as public examinations, courses, resources and tutoring.

If parents wish to employ other people to educate their child, at home, online or in other settings, they are responsible for ascertaining the suitability of those tutors, in terms of access to children. Parents should satisfy themselves by taking up 'appropriate references and ensuring that the tutor has a reasonably recent Disclosure and Barring Service (DBS) disclosure certificate.'

Some parents wish to send their child to Further Education Colleges in surrounding areas to complete 14-16 courses. The course fees for these are claimed directly from the Education Skills Funding Agency, and arrangements for these are not brokered by the Local Authority but by parents and colleges themselves. There are currently no further education colleges with these programmes in Solihull.

Parents are not required to inform or seek approval from Solihull MBC when they intend to elect or have elected to home educate. However, there are two exceptions to this:

- Where a child is attending a special school under arrangements made by the local authority on the child's Education Health and Care Plan, Solihull MBC's consent is required to remove the child's name from the school's admissions register. Consent will be based on reasonable enquiries the EHCP Service performs with parents and the school to understand what education will be provided at home.
- Where the child is subject to a School Attendance Order (SAO), the SAO should be revoked by the Local Authority before EHE begins.

Parents whose child is enrolled at a school are advised to write to the headteacher to inform them that they are electing to home educate; in Solihull, we ask that this written notification is signed by the parent and clearly indicates that they are choosing to home educate. The school will then immediately pass this information on to Solihull MBC.

Parents whose child is not enrolled at a school have no obligation to inform Solihull MBC that they are home educating their child. However, Solihull encourages contact with all home educating families and may make enquiries with the parents if we are aware that they may be home educating. This information could have come from other professionals such as health visitors, social workers, health care providers or members of the community.

Although parents must provide education in accordance with section 7 of the Education Act, the type of educational activity can be varied and flexible. There is no legal requirement for parents to provide any of the following, although parents may choose to do so:

- teach the National Curriculum
- have specific qualifications
- aim for the child to gain any specific qualifications
- have a timetable or set times for the learning to take place
- develop detailed lesson plans in advance
- observe school hours, days or terms
- mark work completed by the child
- provide formal lessons
- replicate the social interaction that school provides
- formally assess progress, or set development objectives
- match school-based, age-specific standards

In Solihull, we have used Section 2 of the '[Elective Home Education: Departmental Guidance for parents](#)' to create a checklist to help us determine suitability. Section 2 of the

DfE guidance advises what a suitable education is and what it is not. Please see the checklist in Appendix 2 with its corresponding links to the guidance.

If a family moves out of the area, Solihull MBC request that families inform the Attendance & Advisory EHE Team of the move and provide the address for their new place of residence. This is to keep records up to date, and so that we can inform the other LA that the child is residing in their area as per our pupil tracking responsibilities.

Solihull MBC's responsibilities

Solihull MBC's (the local authority) role in relation to elective home education is part of its wider responsibilities, including safeguarding, to all children in the area.

Article 2 of Protocol 1 of the European Convention on Human Rights states that:

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

Solihull MBC respects and supports those parents who choose to home educate their child(ren).

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

Solihull Council has no legal power or duty to monitor home education on a routine basis but are expected to make enquiries when it is not clear a suitable education is being received. There is further expectation that the LA contacts parents at least annually to satisfy ourselves of the current suitability status of education. Attendance & EHE Advisory officers may seek to carry out more than one check a year if there are concerns.

To fulfil this statutory duty, Solihull's Attendance & EHE Advisory officers make contact with families annually to informally enquire about their education.

Solihull MBC accepts all types of education so long as it enables the pupil to receive a full-time, efficient education suitable for their age, ability, aptitude and SEND needs.

Attendance & EHE Advisory officers are supportive, understanding and accepting of different approaches to home education. Attendance & Advisory EHE officers will not tell parents how to educate their children, but they may offer advice and guidance.

The DfE guidance states ‘As parents you are under no legal obligation to respond, but if you do not, the local authority is entitled to conclude from the absence of any response that it appears that your child is not receiving a suitable education, with all the consequences which can follow from that’

If parents do not do enough to satisfy Solihull MBC about the education being provided at home, it may have no option but to conclude that the education does not meet the section 7 requirement. It is then the Attendance & EHE Advisory officer’s role to respond where there are concerns around the suitability of education using a variety of tools ranging from supportive measures to formal statutory duties.

This statutory duty requires local authorities to serve a formal notice under section 437 of the Education Act 1996 if it appears that a child of compulsory school age is not receiving a suitable education. The written formal notice requires the parent to satisfy Solihull MBC within a specified period (not less than 15 days, beginning with the day on which the notice is served), that the child is in fact receiving suitable education. If Solihull MBC is not satisfied that the child is receiving such education, the statutory process for issuing a School Attendance Order (SAO), requiring the parent to register the child at a named school, may be commenced. If Solihull MBC issues a SAO, it must be complied with; failure to do so is a criminal offence.

Solihull MBC will always make informal enquiries of parents about the education provision for their child, before resorting to the formal process outlined above. Informal discussion and a shared willingness to co-operate to secure a suitable education for the child should enable most issues to be resolved. It is in the best interests of all parties not to let any dispute about a child’s education escalate to formal action. However, in accordance with the statutory duty outlined under section 436A of the Education Act 1996, Solihull Council’s officers will not hesitate to take formal action where necessary and where formal discussion and enquiries have not resulted in assurance of suitable education for the child.

Responsibilities of schools/academies in Solihull

Parents who are considering EHE may or may not discuss this with their child’s school. There is no legal requirement for them to do so, but in Solihull we encourage parents to do so.

Solihull MBC expects that any school approached by parents to discuss the possibility of elective home education to:

- respond constructively;
- Inform them of the implications of home educating;
- take all necessary steps to resolve any issues in school that may be influencing the parents’ consideration of EHE;

- contact and signpost the parent to the Attendance & EHE Advisory Team and the School Admissions team where necessary, who will provide further advice and guidance to help the parent make an informed choice.

The DfE guidelines make it explicit that:

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

The above could be deemed as off-rolling which is illegal. Therefore, the way in which schools deal with potential electively home educating parents will be scrutinised, and challenged where necessary, both by Solihull MBC and by Ofsted. The definition for off-rolling can be found in Ofsted’s September 2019 Education Inspection Handbook [School inspection handbook - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/822222/school-inspection-handbook-2019.pdf)

When a parent reports that they have been encouraged to remove their child from roll for the purposes of elective home education and then finds that they are unable to manage the commitment, they are expected to make contact with the EHE team.

When a school receives formal, written notice from a parent that a child is being withdrawn from school in order to be home educated, and the child has ceased to attend the school, the headteacher should ensure that the pupil’s name is removed promptly from the admissions register in accordance with Section 8(1) (d) of the Education (Pupil Registration) (England) Regulations 2006. They must also inform the LA when a parent notifies them of their decision to home educate in accordance with section 12 (3) of the Education (Pupil Registration) Regulations 2006.

In practice, the school must inform Solihull MBC immediately when a child is removed from the school roll using the ‘Removal from Roll’ form and School Exit Form, and send in a copy of any relevant letter written and signed by the parent(s) that states their clear intention to home educate. The school must also provide timely information as requested by Solihull MBC’s Attendance & EHE Advisory Team. The only exemption from the above is where a child is attending a special school named on their EHCP. The parent must gain permission from the LA in order to have their child’s name removed from roll to home educate. Solihull’s EHCP Service will endeavour to make this the most simple and timely process possible given the context of each case.

The school is responsible for raising any safeguarding concerns relating to a child with the Multi-Agency Safeguarding Team (MASH) should they feel it is necessary at the time of deregistration. EHE is not, in itself, a safeguarding concern. Once a child is being educated at home by parents and has been de-registered from a school, the Attendance &

EHE Advisory Team and the wider Children's Services in Solihull will hold responsibility for safeguarding the child, whilst recognising that safeguarding is everybody's business and responsibility.

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

EHE and Safeguarding

The welfare and protection of all children, both those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community.

Solihull requires all schools to share any concerns or known risks about a child when they start home education. If a child has current or historic welfare concerns; schools are expected to liaise closely with Children's Services/Early Help to offer the most appropriate support. It is expected that the child would be encouraged to remain on the school roll whilst all options are explored. Once home educated, the Attendance & EHE Advisory officer will continue to work alongside Children's Services' professionals.

Section 175 of the Education Act 2002 imposes a duty on the LA to make arrangements for ensuring that the functions conferred on them are exercised with a view to safeguarding and promoting the welfare of all children resident in Solihull. For home educated children, Attendance & EHE Advisory officers discharge their safeguarding duties by conducting suitability checks.

Although informal enquiries (known in Solihull as "annual reviews") can include a request to see the child, either in the home or in another location, a parent is under no legal obligation to agree to this simply in order to satisfy the LA as to the suitability of home education. However, a refusal to allow a visit can, in some circumstances, justify service of a notice under section 437(1) where the suitability of an education cannot be determined.

All Attendance & EHE Advisory staff have appropriate safeguarding training for the role. The Attendance & EHE Advisory Team will follow Solihull Safeguarding Children Partnership's safeguarding procedures at all times and work with relevant agencies and individuals to proactively safeguard and promote the welfare of children.

In the event of any concerns about the welfare of a home educated child, Attendance & EHE Advisory officers will initiate and follow established procedures. This will include consulting with MASH and sharing information with other professional agencies such as GPs, health visitors and hospital staff. Where deemed appropriate to do so, they will explain the reasons for any welfare concerns to the parents in accordance with the referral procedure.

Where a MASH referral is received about a child who is home educated, relevant information will be sent to the EHE team so that they are aware of the current family situation and evaluate if this affects education. This may result in the officer checking in with the family.

The DfE's guidance clearly states that a situation where a child is not receiving suitable full-time education requires local authorities to take action under education law. This was described in the previous section in respect of the LA's responsibilities. Unsuitable or inadequate education can lead to the impairment of a child's intellectual, social or behavioural development. This has the potential for Solihull MBC to take action, drawing on its safeguarding duties and powers (as outlined in the paragraphs above). These powers may include the LA insisting on seeing children to enquire about their welfare where there are grounds for concern (under sections 17 and 47 of the Childrens Act 1989).

Officers within the Attendance & EHE Advisory Team or other areas of Solihull MBC's Children's Services, will make a MASH referral where:

- Parents have made no contact with the Attendance & EHE Advisory Team over a period of time, dependent on circumstance, where multiple attempts have been made from officers to engage with them.
- Parents have failed to provide suitable education as the child may be suffering, or is likely to suffer, significant harm that is 'considerable, noteworthy or important'. In determining whether the child's intellectual and social development are or are likely to be significantly impaired, which is deemed as educational neglect, Solihull MBC would always consider the child's particular circumstances. Such situations are likely to lead to a response by Children's Services that, in turn, results in social care involvement.

Support for EHE families in Solihull

The Attendance & EHE Advisory Team provides a range of support for home educating parents:

- A named officer to answer any parent queries regarding EHE;
- Access to advice and guidance from the Attendance & EHE Advisory Team (Monday to Friday) via email and telephone;
- Signposting parents to resources and services (e.g. Connected Care, Family Hubs, etc);
- Clear and accurate written information about EHE published on Solihull MBC's website that sets out the roles and responsibilities of both Solihull MBC and the parents;
- Where possible, discussing EHE with parents before they make the decision to deregister their child;
- Promoting positive relationships with EHE families in order to safeguard the educational interest of children;
- Annual supportive reviews in line with the DfE's statutory guidance;
- Written outcomes of annual reviews shared with parents and guidance offered where education is not yet suitable;
- Supportive visits or conversations offered from a member of the Attendance & EHE Advisory Team when parents raise concerns about education or there is evidence that education needs to be improved;

Solihull MBC embraces diversity and respects individual choice. The Attendance & EHE Advisory Team recognises that parents of all educational, social, racial, religious and ethnic backgrounds successfully educate children outside the school setting.

Solihull's EHE procedures

When the Attendance & EHE Advisory Team or the School Admissions team receive formal confirmation in writing from a school, or directly from a parent, that a child is being home educated, the team will complete the following process:

1. Check removal from roll procedures were followed correctly and act where it has not been.
2. Check Solihull's Children's Services database to identify if the children is subject to Early Help, Child in Need or Child protection plan, and make contact with relevant services and professionals.
3. Update the pupil's record to reflect that the child is now home educated and upload the parental withdrawal letter and removal from roll form.

4. Request that schools share relevant information about the child with the team, especially about any welfare or safeguarding issues relating to the child and reasons for home education. This helps Solihull MBC to fulfil its safeguarding duties as outlined above.
5. A welcome letter, Solihull's EHE leaflet and Solihull's Education Support Pack will be sent to parents confirming that the family are known to us. From this, parents can make contact with the team to find out who their allocated Attendance & EHE Advisory officer is and ask for any advice and guidance they need.
6. The Attendance & EHE Advisory officer will check if the pupil has an EHCP and refer them to the EHCP Service who will support with the annual review process alongside the Attendance & EHE Advisory officer.

The family's allocated Attendance & EHE Advisory officer will commence the annual review process within twelve months of a child starting home education.

The annual review process will be conducted in the following way:

7. A letter will be sent via email or post to parents requesting information about their child's education which they can supply in any way they wish: report, email, at a virtual meeting or a face-to-face meeting at a location of their choice. If no information is received, a follow up letter will be sent via post.
8. If education is deemed *suitable*, a letter confirming this will be sent to the parent and they will not be contacted for another 11 months (when at that time they will be contacted in preparation for the next annual review). The EHE team will support you with advice and guidance to improve your home education.
9. If home education continues to be *unsuitable* or the parent does not respond to any correspondence, the following formal steps will be taken by Solihull MBC:
 - Solihull MBC will serve a Section 437(1) written notice on parents requiring them to satisfy the Local Authority that the child is receiving *suitable* education;
 - The parent will have 15 working days to respond from the date of the notice being served.
10. If Solihull MBC is still not satisfied that the child is receiving efficient full-time education suitable to the child's age, ability and aptitude and to any special educational needs he/she may have, a statutory "Notice of Intention to Serve a School Attendance Order" will be served on the parent. At this time, the child will then be taken off Solihull's EHE Register and placed on the CME register. This notice indicates Solihull MBC's intention to formally order the parent to register the child at a school. It will identify the school(s) the local authority deems suitable and allow the parent 15 days to propose alternatives with a space.

11. If the parent does not respond, or does not make satisfactory arrangements elsewhere, Solihull MBC may issue a SAO in accordance with its stated intention. Failure to comply with an SAO is a criminal offence for which the parent(s) can be issued with a penalty notice or prosecuted in the Magistrates' Court.
12. Reasonable steps to resolve the situation will be taken by Solihull MBC before the SAO statutory process is commenced. At any stage following the issue of an SAO, parents may present evidence to Solihull MBC to demonstrate that they are now providing suitable education and apply to have the Order revoked. If this is refused, parents can choose to refer the matter to the Secretary of State for Education. If Solihull MBC prosecutes parents for failure to comply with a SAO, the parents may be acquitted if they can prove that the child was receiving a suitable education otherwise than at school at the time of the offence. If the parents are acquitted, the court may direct that the SAO shall cease to be in force.
13. In cases where the Attendance & EHE Advisory Team has been unable to contact a family and believe they are no longer living at the address on record, the child will be placed on the CME register and reasonable enquiries will be made to establish whereabouts as per the CME guidance.

EHE and Special Educational Needs and Disability (SEND)

Parents' right to educate their child at home applies equally where a child has SEND. This right is irrespective of whether the child has an EHCP or not.

The process for deregistering from school remains the same as above, unless the child is at a special school named on their EHCP whereby parents must seek approval from the EHCP Service to home educate. Solihull MBC must give consent for a child's name to be removed from a special school's roll, but this should not be a lengthy or complex process.

Solihull MBC would advise parents to speak with the school's Special Educational Needs and Disabilities Co-ordinator (SENDCO) and Solihull's EHCP Service to discuss home education prior to making the decision to ensure they are aware of all alternatives (amended provision and/or change of placement) and their SEN statutory rights of appeal. Special Educational Needs (SEND) Information, Advice and Support Service(IASS) (SENDIAS) may also be able to support parents with this.

Where a parent decides to home educate, it is good practice for schools/academies to call an early annual review, inviting a member of the EHCP team, to ensure it is the most accurate document for the next stage of education.

The Attendance & EHE Advisory Team

The Attendance & EHE Advisory Team will ensure that all reasonable care is taken to ensure their safety, be advised by any risk assessment information and report any concerns over health, welfare and safety issues to their manager in the first instance without delay. They must consistently adhere to all elements of the Lone Working Policy.

How to make a complaint

Solihull MBC seeks to work in partnership with parents/carers who choose to electively home educate their child(ren) and to develop positive working relationships. However, if a complaint should arise, in the first instance contact should be made with the Attendance & EHE Advisory Team either by telephone at 0121 704 6191 or in writing to ehe@solihull.gov.uk.

If at any point a formal complaint is felt appropriate then contact should be made with the Children's & Adults Complaints Team either by telephone at 0121 704 8296 or in writing to candacomplaints@solihull.gov.uk.

Further information about raising concerns in relation to Solihull Children's Services can be found at the following web address: <https://www.solihull.gov.uk/Tell-us/Complain-about-childrens-services>.

References

Education Act 1996

www.legislation.gov.uk/ukpga/1996/56/contents

Education Act 2002

www.legislation.gov.uk/ukpga/2002/32/contents

Special Educational Needs Code of Practice 2014

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Elective Home Education: Departmental Guidance 2019

<https://www.gov.uk/government/publications/elective-home-education>

Appendix 1: Glossary

The following defines the terms used in Section 7 of the Education Act 1996. The definitions have been created by referencing and paraphrasing the 'Elective Home Education: Departmental guidance for local authorities' and 'parents' (2019):

Compulsory school age:

A child is of compulsory school age 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.

Efficient education:

There is no definition of this in statute law. However, it can be interpreted as meaning education which 'achieves what it is intended to achieve'. This is not the same as the education being 'suitable' - because it is possible to deliver efficiently an education which is not suitable for the child. Conversely, it is possible to deliver a suitable education inefficiently.

Full-time education:

There is no legal definition of "full-time" in terms of education at home, or at school. Children attending school normally have about five hours tuition a day for 190 days a year, spread over about 38 weeks. However, home education does not have to mirror this. In any case, in elective home education there is often almost continuous one-to-one contact and education may often take place outside normal "school hours".

'In practice, the question of whether education for a specific child is full-time will depend on the facts of each case; but you as parents should at least be able to quantify and demonstrate the amount of time for which your child is being educated. Education which clearly is not occupying a significant proportion of a child's life (making due allowance for holiday periods) will probably not meet the section 7 requirement'. (DfE Elective Home Education Guidance).

Suitable education:

There is no definition of 'suitable' education in statute law, although it must be suitable to the age, ability and aptitudes of the child, and any special educational needs. This means that it must be age-appropriate; enable the child to make progress according to his or her particular level of ability; and should take account of any specific aptitudes (for example, if a child is very good at mathematics, the education might focus more on that than some other subjects).