



ELECTIVE HOME EDUCATION POLICY

Revised January 2023

**Elective Home Education
School Admissions and Pupil Placements
PO Box 16524
Birmingham
B2 2FP**

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THE LEGAL POSITION

For full details see the relevant legislation or the Department of Education document “Elective Home Education – Guidelines for Local Authorities April 2019:

- 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 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.”
- Local Authorities have a duty under the same act (Section 436A) to identify, as far as is possible, children who are not receiving a suitable education otherwise than being at school (for example at home, privately, or in alternative provision).
- The Local Authority will therefore make enquiries in all cases where parents are home educating in order to satisfy itself that the child(ren) concerned are in receipt of suitable education.
- The Education Act 1996 further requires the Local Authority, in cases where it appears a child of compulsory school age is not receiving suitable education, to serve a notice in writing on the parent requiring her / him to satisfy the authority within a specified period that the child is receiving such education.
- The information required of parents who are home educating is not specified within legislation but it is the perspective of the Local Authority that parents should be able to provide sufficient information within a reasonable period of time that would, on the balance of probabilities, convince a reasonable person that a suitable education is being provided. Some pointers which may help parents to construct information we would find helpful are outlined in the accompanying Birmingham City Council guidance document, “Elective Home Education Guidance for Parents”.
- Local Authorities also have a duty under section 175(1) of the Education Act 2002 to safeguard and promote the welfare of children. This section states: “A Local Education Authority shall make arrangements for ensuring that the functions conferred upon them in their capacity as a Local Education Authority are exercised with a view to safeguarding and promoting the welfare of children.”

- Local authorities have general duties to make arrangements to safeguard and promote the welfare of children (section 175 Education Act 2002 in relation to their functions as a Local Authority and for other functions in section 10 and 11 of the Children Act 2004). These powers allow Local Authorities to insist on seeing children in order to enquire about their welfare where there are grounds for concern (sections 17 and 47 of the Children Act 1989). However, such powers do not bestow on local authorities the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education.
- In circumstances where children are not seen despite the requests of the EHE Advisers, consideration will be given to the possibility of justifiable concerns that would necessitate consultation with other relevant children's services.
- The Local Authority would hope that parents will understand and agree the importance of establishing and maintain a positive dialogue with our officers, in the interests of the child and their educational provision.
- Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). This right is irrespective of whether the child has an Education, Health and Care Plan or not. Where a child has a Plan and is educated at home, it remains the local authority's duty to maintain the Plan and to review it annually. The local authority will consider whether the educational provision being delivered by the parents is suitable for the child's special educational needs. It is not until the local authority is satisfied that it is relieved of its responsibility to arrange the provision in the Plan. If the local authority is not satisfied, then it remains responsible for ensuring that the child's special educational needs are met.
- Birmingham Local Authority encourages parents / carers to inform them directly of the withdrawal of a child from school, even though schools will also notify the local authority. 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 registers.
- Local authorities do not receive funding to support home educating families, but Birmingham local authority seeks, through a partnership approach, to provide appropriate guidance and support.

PRINCIPLES

- Birmingham Local Authority seeks to ensure that its policy and procedures on Elective Home Education are clear, consistent and non-intrusive.
- We wish to work with parents / carers to develop effective and supportive partnerships.

- In order to achieve this, we welcome input from home educating families / carers and home education organisations, in developing and reviewing our Elective Home Education policy, procedures and practice.
- We have named officers with responsibility for implementing our policy and procedures.
- The degree of contact with Elective Home Educating families will be dependent on individual circumstances and / or suitability of education being received.
- For children with an Education, Health and Care Plan, this will be reviewed annually following procedures set out in the SEN Code of Practice.
- If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns will be immediately referred to the appropriate authorities using established local authority protocols.
- Birmingham Local Authority maintains a database of children it knows of who are being educated at home by parental / carer choice. This is so we can have a record of what contact we have had with a parent / carer and child and also allows us to inform the police when they undertake truancy sweeps that we have a record of a child being educated at home.
- Written information will be made available to parents / carers in local community languages and alternative formats on request.

COMPLAINTS PROCEDURE

Birmingham Local Authority seeks to work in partnership with parents / carers who choose to Electively Home Educate their child(ren) and to develop good working relationships. However, if a complaint should arise, in the first instance contact should be made with the Adviser with responsibility for Elective Home Education either by telephone or in writing to:

If the complaint relates to the actions of the Adviser, contact should be made with the Manager with responsibility for Elective Home Education either by telephone or in writing to:

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