

This document seeks to set out Essex County Council's approach to addressing cases where a child is identified as 'missing from education' or is not in receipt of a suitable home education.

The role of the Education Access – Children Missing Education and Elective Home Education Team (CME and EHE Team)

Anita Patel-Lingam

Table of Contents

Education Access – Children Missing Education (CME) and Elective Home Education (EHE) Team Statement	3
Parental duty under section 7 Education Act 1996:	3
Section 1: Children Missing Education.....	4
1.1 Making a referral to the CME and EHE Team	4
Who can make a referral to the CME and EHE Team?	4
1.2 Schools: Referring a pupil who appears to have gone missing from education.....	4
1.3 Pupils deemed at high risk	4
1.3.1 What happens if both the school and local authority are unable to establish the whereabouts of a pupil who is reported as ‘missing’?.....	4
1.3.2 What happens if the pupil is located but is no longer residing within a reasonable travelling distance of the school at which they are on roll?.....	5
1.3.3 What additional steps will the local authority take where a pupil is recorded as ‘unable to trace’?	5
1.4 Schools: Notifying the local authority when a pupil is added to OR deleted from the school admissions register	5
1.4.1 Off-rolling – Extended Family Holidays.....	6
1.4.2 Off-rolling – Pupil Moving Abroad	6
1.5 Schools: Notifying the Local Authority where a parent requests that their child is deregistered in favour of elective home education.....	7
1.6 Professionals/Members of the Public wishing to refer a child who may be ‘missing from education’ or does not appear to be in receipt of a suitable home education	7
Section 2: What will the CME and EHE Team do if they receive a referral/notification about a child who may be ‘missing from education’?.....	7
When will a child be deemed as ‘missing from education’?.....	8
Section 3: The School Attendance Order Process.....	8
3.1 The steps and timeframes that apply during the SAO process.....	9
3.2 Essex County Council Protocol in relation to electively home educated children who become the subject of a School Attendance Order.....	9
3.3 Right of appeal	10
Right of appeal – maintained schools.....	10
Right of appeal - academies.....	10
Section 4: Elective Home Education	11
4.1 Notifying the local authority of a parental decision to electively home educate their child	11
Notification of Parental Decision to Electively Home Educate	11
4.2 The Essex County Council website – Home Education Pages	12
4.3 Elective Home Education – Frequently Asked Questions	12
Q: Why do parents elect to home educate?.....	12
Q: Does the law allow parents to choose to educate their child at home?	12

Q: How many hours of education should a home educated child receive?	12
Q: What is 'suitable' and 'efficient' education?.....	12
Q: What does a parent need to do if they want to educate their child at home?	12
Q: Can a child with an Education Health and Care Plan (EHCP) be home educated?	13
Q: Will parents receive any funding from the Local Authority to support with the education of their child at home?	13
Q: Will the Local Authority provide a tutor?.....	13
Q: How can parents arrange for their child to sit public examinations?	13
Q: Will parents be contacted by the Local Authority in the future about their child's education?	14
Q: What will happen if the education that parents are providing is deemed unsuitable?	14
Q: Where can parents access more information about Elective Home Education?.....	14
Section 5: Contact details for the CME and EHE Team	15

Education Access – Children Missing Education (CME) and Elective Home Education (EHE) Team Statement

All children, regardless of their circumstances, are entitled to an efficient, full time education which is suitable to their age, ability, aptitude and any special educational needs they may have.

Children missing education are children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. Children missing education are at significant risk of underachieving, being victims of harm, exploitation or radicalisation, and becoming NEET (not in education, employment or training) later in life.

Effective information sharing between parents, schools and local authorities is critical to ensuring that all children of compulsory school age are safe and receiving suitable education.

The CME and EHE Team forms part of the Education Access Team within Essex County Council. This team is responsible for responding to all referrals where it appears that a child, who is believed to be resident within Essex County Council jurisdiction, is not in receipt of a suitable education, either by attendance at school or otherwise than at a school (includes home education arrangements).

Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise. This duty only relates to children of compulsory school age.

Parental duty under section 7 Education Act 1996:

Parents have a duty, under section 7 Education Act 1996, to ensure that their children of compulsory school age are receiving suitable full-time education. Some parents may elect to educate their children at home and may withdraw them from school at any time to do so, unless they are subject to a School Attendance Order.

The CME and EHE Team will seek to consult the parents of a child when establishing whether the child is receiving suitable education. Where children are identified as not receiving suitable education, the CME and EHE Team will take action to return these children to full time education, either at a school or in alternative provision. Prompt action and early intervention are crucial to discharging this duty effectively and in ensuring that children are safe and receiving suitable education. The CME and EHE Team is committed to intervening early in the lives of vulnerable children to help prevent poor outcomes.

Referrals may be made to the CME and EHE Team by schools/academies, other professionals, local authorities, members of the public, etc. and all referrals will result in investigations being conducted to establish whether the child or young person concerned is 'missing' from education.

This document seeks to set out the processes and protocols that are in place within Essex to safeguard our children and young people and to protect their right to receive an efficient, full time education. This document should be read in conjunction with the following DfE guidance documents and also the [Essex Inclusion Statement](#).

[Children Missing Education- Statutory guidance for local authorities – September 2016](#)

[Working Together to Safeguard Children - July 2018](#)

Section 1: Children Missing Education

1.1 Making a referral to the CME and EHE Team

Who can make a referral to the CME and EHE Team?

There are a number of referral pathways which may be used to access the support available via the Education Access - CME and EHE Team. The team accept referrals from a variety of sources and welcome contact from colleagues within all educational settings, across the local authority including colleagues from school admissions and Essex libraries, professionals from health, housing, youth services, Essex Countywide Traveller Unit, youth offending teams, social care, other local authorities, members of the public, etc.

N.B. The CME and EHE Team do not accept referrals in relation to pupils on a school roll who are not attending regularly. Such pupils should be referred to the Essex County Council Attendance Compliance Team.

1.2 Schools: Referring a pupil who appears to have gone missing from education

Schools, including Academies and Free Schools are required to inform the local authority - as stated within The Education (Pupil Registration) (England) Regulations, 2006 - of the details of pupils who have been absent from school for 10 continuous school days and where contact cannot be made with the parent/carer to establish the reason for the absence and the absence has not been reported. In Essex, schools are required to notify the local authority, via the [Missing Pupil Checklist](#), of any child falling into one of the following categories:

- A pupil has gone missing and no contact can be made with parent/carer to establish reason for absence
- A pupil ceased to attend the school and forwarding address of the family is not known
- A pupil has not returned from holiday within 10 schools days of the expected date of return
- A pupil fails to take up their place at the start of the academic year and the whereabouts of the young person is unknown

1.3 Pupils deemed at high risk

If a pupil is missing from school and the child is subject to a child protection plan and/or is a looked after child, the school must notify the key worker **within the first 24 hours** of the unauthorised absence, if contact cannot be made with the family home.

Where it is suspected or known that a pupil is at potential risk of harm, or where the school has information or reason to suspect that the pupil has been the victim of criminal activity or is at risk of Child Sexual Exploitation, the school should notify the Children and Families Hub and/or police without delay and then make a referral to the CME and EHE Team as soon as possible afterwards.

1.3.1 What happens if both the school and local authority are unable to establish the whereabouts of a pupil who is reported as 'missing'?

On receipt of the checklist the CME and EHE Team will carry out reasonable enquiries on behalf of the local authority. If following these enquiries the **whereabouts of the pupil cannot be established**, the local authority will advise the school in writing, to remove from roll and will advise of the date from which the pupil in question may be removed from roll (not before 20 days of unauthorised absence have been recorded).

The school will then be required to upload the pupil's CTF (Common Transfer File) to the s2s lost pupil database so that if the pupil is enrolled at an alternative school at a later date, the new school will be able to access this file via the database.

1.3.2 What happens if the pupil is located but is no longer residing within a reasonable travelling distance of the school at which they are on roll?

If the pupil is located and found to be living outside reasonable travelling distance of the school, the CME and EHE Team will notify the school that they may remove the pupil from roll.

1.3.3 What additional steps will the local authority take where a pupil is recorded as 'unable to trace'?

As part of the local authority's statutory responsibilities around locating children who are missing from education, Essex County Council has entered into a data sharing pilot with HM Revenue and Customs, in order to reduce the number of CME cases the authority holds. This pilot has proven to be very useful in assisting the local authority to establish the whereabouts of children and young people who have been reported as missing and where initial investigations have been unsuccessful in locating the whereabouts of the child.

In addition to the use of the above-mentioned pilot, the CME/EHE team uses all available resources to assess and scrutinise the data available in relation to children and young people who are listed as 'unable to trace'. Such cases will be discussed at multi-agency vulnerable pupil panel meetings and relevant professionals will review whether all necessary steps have been taken to safeguard children who are reported as missing to the CME/EHE team. Any necessary and reasonable changes to processes will be introduced to ensure that the practices of the team remain fit for purpose.

1.4 Schools: Notifying the local authority when a pupil is added to OR deleted from the school admissions register

All schools (including academies and independent schools) must notify their local authority when they are about to remove a pupil's name from the school admission register under any of the grounds listed in the [regulations](#). This duty does not apply when a pupil's name is removed from the admission register at a standard transition point – when the pupil has completed the final year of education normally provided by that school.

All schools must also notify the local authority **within five days** of adding a pupil's name to the admission register at a non-standard transition point. The notification must include all the details contained in the admission register for the new pupil. This duty does not apply when a pupil's name is entered in the admission register at a standard transition point – at the start of the first year of education normally provided by that school.

These duties are outlined within the [Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2016](#), which came into force as from 1st September 2016.

Regulation 5 within the 2016 amendment specifically places additional responsibilities on all schools in relation to [Regulation 12](#) Education (Pupil Registration) (England) Regulations 2006, requiring them to make returns to the local authority **each time a pupil is added to the school admissions register or deleted from the school's register**.

When adding or removing a pupil to/from roll, schools within Essex are required to submit a [Statutory notification of admission to or deletion from Essex school roll](#)

1.4.1 Off-rolling – Extended Family Holidays

Where a parent applies for extended leave during term time, it is at the head teacher's discretion whether the leave is granted. If a parent takes their child out of school for extended leave, it is imperative that a return date is agreed prior to the family's departure. Schools are advised to write to the family to state whether the period of leave is authorised or unauthorised and to stipulate the date on which the pupil is expected to return to school. The letter should make clear that, if the pupil does not return to school, as at the agreed date, the pupil will risk losing their place and parents would need to reapply for a school place. **Schools must wait for ten school days following the agreed return date before seeking to remove the pupil from roll.** Where a school is able to evidence that clear advice has been provided to parents regarding a removal from roll if the pupil fails to return, the school should ensure that they notify the local authority of any resultant removal from roll via the Statutory Notification form which is accessible via Section 1.4 above.

Where a pupil fails to arrive at school and parents/carers advise that the pupil is not currently in the country, schools must ensure that they provide the parent(s)/carer(s) with every opportunity to return the pupil to school before taking a decision to delete from roll.

In such circumstances it is advised that, as a matter of urgency, contact be made in writing with a parent (either by letter/email) and that the correspondence clearly states that:

- The child/young person is required to return to the school or may risk losing their school place;
- A date by which the pupil is expected to return and clear advice that, should this deadline not be adhered to, the pupil will be removed from roll as of that date.
- Any advice that the parent may need to be aware of in respect of waiting lists and likelihood of a school place being available (e.g. Is there an active waiting list for the year group in question?)
- Any application process that the parent will be required to follow.

It is essential that the parent is given an opportunity to arrange for the child/young person to return to the country and to begin to attend school, before the place is lost and allocated to another applicant. In any case, every school is expected to retain the pupil on roll for a minimum of ten school days to enable investigations to take place/contact to be made with the family with a view to the pupil returning to the school.

1.4.2 Off-rolling – Pupil Moving Abroad

Where a parent notifies a school that their child is to be deregistered due to a family decision to move abroad, it is essential that the school takes effective safeguarding steps to ensure that the information that has been received is a true record of what the family intend to do.

Upon receipt of such notification, schools should aim to meet with the parents and to identify how the decision to move abroad has been reached. They should seek to establish the date on which the family plan to leave the country and make a request to the parents that confirmation of flight bookings be provided as evidence of the move abroad, to enable a legitimate removal from roll to take place once the pupil has left the country. Schools should also request the address to which the family plan to move and any school which they have liaised with to secure education once the move has taken place.

It is not sufficient to accept flight quotations as evidence that the family are moving abroad. An actual booking confirmation, with details of who will be travelling, the date/time on which the travel is to take place and the departure and destination airports is the best evidence that a school can seek to obtain from a parent in these circumstances.

[Keeping children safe in education](#) (Statutory guidance for schools and colleges), provided updated guidance, dated September 2016. The above advice in relation to pupils believed to be moving abroad aims to help schools to fulfil their safeguarding duties in line with this document. If you hold any safeguarding concerns regarding a risk to the child e.g. forced marriage, radicalisation or female genital mutilation, such concerns should be referred to the Children and Families Hub without delay, via this [link](#) .

1.5 Schools: Notifying the Local Authority where a parent requests that their child is deregistered in favour of elective home education

Where a school has received written notification from the parent of a pupil stating that the child or young person is receiving education otherwise than at school (elective home education), schools within Essex are required to notify the local authority of this removal from roll using a dedicated online form which has been developed for this purpose – see [section 4.1](#) below.

N.B. This form should only be completed when a child/young person is remaining **within Essex**. Where the family are moving out of the county, please submit the form which may be accessed via this [link](#) and select statutory ground for deletion under Regulation 8 Subsection (1) (e) – notifying the local authority that the pupil no longer ordinarily resides at an address which is a reasonable distance from the school.

1.6 Professionals/Members of the Public wishing to refer a child who may be ‘missing from education’ or does not appear to be in receipt of a suitable home education

Where a professional or member of the public is aware of a child of compulsory school age who does not appear to be on roll at a school or receiving appropriate educational provision, they should use the online referral form which may be accessed via this [link](#) to notify the CME and EHE Team of their concerns, without delay. Any referrals received will enable the team to conduct necessary investigations to establish if the child in question is ‘missing from education’ and will allow the team to utilise their full range of statutory powers where no educational provision appears to be in place.

Section 2: What will the CME and EHE Team do if they receive a referral/notification about a child who may be ‘missing from education’?

The CME and EHE Team will use all available information (received from the referrer and from our own local authority internal intelligence) to investigate and establish whether the child concerned is in fact ‘missing’ from education. Where workloads peak, the team will prioritise investigations for children who are deemed to be most vulnerable e.g. those known to be at risk of exploitation/harm/neglect, Missing Children/runaways, children who are the subject of a Child Protection Plan or are deemed a Child in Need, those young people known to the Youth Offending Service, etc.

We will only investigate cases where the address of the child falls within Essex County Council jurisdiction. Where a child does not reside within our jurisdiction, we will ensure that the relevant local authority is contacted so that they may use their own children missing education processes to safeguard and return the child to education.

Our investigations will include team members attempting to make contact with parents/carers by telephone, email and/or visits to the home, as well as liaison with any other professionals who we believe may hold information relating to the educational status of the child in question. If a child is deemed to be 'missing from education' the full range of statutory powers will be used to safeguard and return the child to a full time education as swiftly as possible.

When will a child be deemed as 'missing from education'?

A child will be deemed as missing from education and will become an open case to the Essex CME and EHE Team if they reside within Essex and:

- are not on the roll of a school or academy and parents are not actively taking steps to ensure that such enrolment is secured on behalf of their child (i.e. parents are failing to fulfil their legal duty under [section 7 Education Act 1996](#)); or
- it appears that a child, whose parents have elected to home educate, is not in receipt of an efficient home education which is suitable to their age, ability and aptitude, taking into account any special educational needs that the child may have.

The CME and EHE Team will, in the first instance, make informal enquiries to ascertain what educational arrangements are in place for children who are referred as 'missing from education' or where concerns are raised as to the quality of home education or the capacity of parents to put in place an efficient home education. Where, during the informal enquiry stage, a parent/carer fails to satisfy the local authority that a suitable education is in place for their child, the local authority will serve a notice on parents requiring them to satisfy the local authority that the child is receiving a suitable education – section 437(1) Education Act 1996.

The CME and EHE Team will issue a School Attendance Order to parent(s) who fail to satisfy the local authority that their child is receiving suitable education, if the local authority deems it is appropriate that the child should attend school – using the powers available to local authorities via section 437(3) Education Act 1996.

Where a parent fails to comply with a School Attendance Order, steps will be taken to prosecute parents due to their breach of the School Attendance Order - section 443 Education Act 1996.

Section 3: The School Attendance Order Process

The School Attendance Order (SAO) process, in cases where a parent chooses not to engage or comply, is a wholly administrative process which enables the local authority to evidence that it has utilised all available statutory powers to try to return a 'missing', therefore vulnerable, child to an efficient full time education.

The process is carried out by the CME and EHE Team and the onus, throughout the process, is on parents to be proactive in securing/evidencing a suitable education for their child. Any school which is identified to be named within a SAO simply needs to await contact from the parent on

whom the SAO is to be served and, where parent(s) complies, be prepared to admit the child in question to the school roll without undue delay. Where parent(s) fail to comply, the CME and EHE Team will progress the case in line with the process and timeframes that are outlined below. Where a school receives formal notification of the local authority's intention to name the school within a SAO for a child, the school should consider this child as a possible admission when responding to requests for numbers on roll from School Planning and Admissions.

The CME and EHE Team will seek to name the school nearest to the home address that we believe is in a position to accommodate the child, should parent choose to comply with the SAO. Only where we believe that there are compelling reasons not to name the nearest school OR infant class size legislation applies OR where a parent has made applications to the nearest school but, due to a lack of spaces, has had their application formally declined, will the CME and EHE Team seek to name the next nearest available school within any pending SAO.

Where a child is identified as 'missing from education', as outlined [above](#), and where informal enquiries do not lead to the local authority being satisfied that a child is in receipt of an efficient, suitable education, the CME and EHE Team will instigate the SAO process.

The SAO process provides parents with several opportunities to satisfy the local authority that their child is in receipt of an education, either via attendance at a school or otherwise than at a school. If the parent(s) submits an application for a school place after the SAO process has been instigated, the process will be placed on hold pending the outcome of any such applications.

3.1 The steps and timeframes that apply during the SAO process are as follows:

- Parent is issued with a warning letter under section 437(1) Education Act 1996, notifying them that the local authority believes that their child is not in receipt of a suitable education
 - **Parents have 15 school days within which to apply for a school place or evidence that a suitable home education is in place for their child**
- If parent does not respond or fails to satisfy the local authority that a suitable education is in place for the child in question, the local authority identifies a school, within reasonable travelling distance of the family home.

3.2 Essex County Council Protocol in relation to electively home educated children who become the subject of a School Attendance Order: Where a child has been removed from a school roll in favour of elective home education and investigations have resulted in the home education arrangements being deemed unsuitable, the local authority will always seek to name the last school at which the child was on roll within any SAO subsequently issued in respect of that child, if appropriate.

- Once a school is identified – A Formal Notice is sent to the school (addressed to the Head/Chair of Governors) notifying them of the local authority's intention to name their school within a SAO for the child in question.
- At the same time, a further letter, known as the Notice of Intention to Issue a School Attendance Order, is issued to parent(s), notifying them that the local authority intends to issue a SAO naming a particular school.

- **Parents have 15 school days to apply for a school place or evidence that a suitable home education is in place for their child.**

N.B. It is important to note that at this stage parent may apply for a place at ANY school.

3.3 Right of appeal: All schools have a right to appeal against being named within a SAO for a child that has been identified as ‘missing from education.’ However, due to the fact that the local authority seeks to return such vulnerable children back into education without any undue delay, any such appeals should only be submitted where a parent chooses to comply and seeks to have their child admitted to the school that is named/is to be named within the SAO **and** where there are significant safeguarding concerns linked specifically to the child in question being placed on roll at the school in question.

The appeal process differs depending on whether the school is a maintained school or whether the school has academy status. However, in all cases where an appeal is submitted, the local authority is required to bring such cases to the attention of the Fair Access Officer who may consult with local schools to seek agreement on which school is best-placed to be named within an SAO and to admit the child in question, should the parent choose to comply/engage with the SAO process.

Right of appeal - maintained schools: where the Head/Governing Body of a maintained school believes that they have justified reasons to appeal against the local authority’s intention to name their school within a SAO, they should submit their formal appeal to the CME and EHE Team within 15 working days of receipt of the afore-mentioned Formal Notice.

Right of appeal - academies: Where the Head/Governing Body of a school with academy status wishes to appeal against being named within a SAO for a child who has been identified as ‘missing’ from education, they should submit their appeal directly to the Secretary of State, providing the CME and EHE team with a copy of their appeal. **The appeal should only be submitted if the parent to whom the SAO is issued/is to be issued, chooses to comply with the Order and seeks to have their child admitted to the school named within the SAO.**

- In cases where parents fail to respond to the Notice of Intention to Issue a School Attendance Order, and where the local authority has not been satisfied that the parent is fulfilling their duty under section 7 Education Act 1996, the CME and EHE team will go ahead and issue a SAO, naming the identified school. The local authority may issue a SAO without being required to attend court.
- *N.B. The issuing of a SAO effectively removes the parents’ right to apply for any school and instructs the parent to make an application, within 15 school days, to the school which the local authority has named within the SAO.*
 - **Parents have 15 school days within which to apply for a place at the school named within the SAO or evidence that a suitable home education is in place for their child.**
- Failure to comply with the SAO will lead to court action, under section 443 Education Act 1996, for Breach of the SAO.

- Parent(s) will be liable to a fine of up to £1000.

Upon completion of any court action following the Breach of a SAO, the child in question remains out of school and continues to be deemed a child missing from education. The CME and EHE team will therefore be required to begin the SAO process again in the hope that parent will choose to comply/engage with the process and enrol their child at a school or put a suitable home education in place for the child in question.

Section 4: Elective Home Education

A decision to home educate can only be made by those with parental responsibility. Schools must not seek to persuade parents to educate their children at home. Where a parent decides that they wish to remove their child from a school roll in favour of elective home education, they must write to the school to notify them of this decision and, upon receipt of this written notification, the school may take the pupil off roll. It is good practice for the school to meet with the parent/carer to discuss the reasons for this decision, as sometimes the family may have a concern with the school, which the school is able to remedy.

If a pupil is to be deleted from a school roll following a parent's decision to home educate, the school has a statutory responsibility to inform the local authority of this deletion from roll. A removal from roll in favour of elective home education will only be deemed legitimate where:

- A person with parental responsibility has clearly stated, **in writing**, that they wish for their child to be removed from the school register and that the child is to be home educated – schools may only accept an email or letter of this nature from a person with parental responsibility.

N.B. If the letter / email does not expressly state the parent's intention to electively home educate, the pupil must remain on the school roll.

4.1 Notifying the local authority of a parental decision to electively home educate their child

In Essex, schools are required to notify the local authority via the Notification of Parental Decision to Electively Home Educate which may be accessed via the link below:

[Notification of Parental Decision to Electively Home Educate](#)

Schools are required to share any concerns that they hold in relation to the child being home educated and where concerns are raised, the CME and EHE Team will carry out investigations to determine whether or not the child is in receipt of a suitable education. Where schools hold concerns about parental commitment to educate their child at home, it is important that such concerns are logged on the online form to enable us to investigate whether parents/carers have taken the necessary steps to provide a suitable education for their child.

Where school staff hold concerns relating to the child's welfare, these should be referred to the relevant agency via this [link](#) .

4.2 The Essex County Council website – Home Education Pages

Parents can access some useful information if they are considering elective home education for their child/ren. The relevant pages may be accessed via the following link:

[Home Education Pages – Essex County Council website](#)

4.3 Elective Home Education – Frequently Asked Questions

Q: Why do parents elect to home educate?

There is no finite list which details all of the reasons for parents electing to home educate. Such decisions are often based on specific philosophical or cultural beliefs, or the individual needs of a child which indicate that home education may be of benefit to him/her. Parents may opt to home educate on a short term or long term basis, depending on the individual circumstances. The approaches to home education also vary from one family to another and often reflect the specific values of the home educating families. Some children are home educated from a very young age, others attend school and then engage in home education at a later stage within their compulsory education years.

Q: Does the law allow parents to choose to educate their child at home?

Yes, it is perfectly lawful for a parent to elect to educate their child at home. This is made clear within section 7 of the Education Act 1996 which applies within England and Wales and states:

The parent of every child of compulsory school age shall cause him (or her) to receive efficient full-time education suitable—

a: to his (or her) age, ability and aptitude, and

b: to any special educational needs he (or she) may have,

either by regular attendance at school or otherwise.

Q: How many hours of education should a home educated child receive?

There is no definition of ‘full-time’; however a child that receives an education within a school is expected to be engaged in educational activities for 23 to 25 hours per week – depending on their age. Parents who elect to home educate are not obliged to offer such education within ‘school hours’ or on ‘school days’. The law and guidance relating to elective home education allows for a more flexible approach.

Q: What is ‘suitable’ and ‘efficient’ education?

The courts have considered home education arrangements and have provided some guidance on what is considered to be ‘suitable’ and ‘efficient’ education. They have said that education is efficient if it is “achieving that which it sets out to achieve” and is suitable if it “prepares the child for life in a modern civilised society and enables the child to achieve his (or her) full potential”.

Q: What does a parent need to do if they want to educate their child at home?

If a child is registered with a school, we suggest that parents arrange a meeting with the headteacher to discuss why they are considering deregistering their child. Parents have a duty to inform the headteacher, in writing, of their decision to electively home educate. Receipt of such written notification will allow the headteacher to lawfully de-register a child from their school.

Informing the headteacher verbally is not enough. If parents fail to fulfil this duty and simply stop sending their child to school, they may face legal action under section 444 Education Act 1996.

Once the school has received notification, in writing, of parental decision to home educate, the school has a duty to inform the Local Authority of their reasons for removing the pupil from their registers. Essex County Council maintains a register of all home education arrangements that are either shared with the Local Authority by schools/academies or by parents who have registered with us directly

Q: Can a child with an Education Health and Care Plan (EHCP) be home educated?

Yes. Section 7 Education Act 1996 does apply to parents of children with special educational needs. Any child with an EHCP will have been assessed and a decision will have been taken about the most appropriate school for the child, based on their individual needs. An EHCP is a legal document. Where a parent decides that they would like to elect to educate their child 'otherwise', in other words not by regular attendance at the school named on the EHCP, they must de-register their child from the school by writing to the headteacher and notifying him/her of the decision that has been taken to home educate.

Please note that, **where a child is a pupil at a special school**, a parent is unable to de-register their child from the school to electively home educate, without the prior consent of the Local Authority.

Where a child has an EHCP, the Local Authority will continue to fulfil its duties in respect of annual reviews and will hold an annual review for as long as the EHCP remains in place.

Q: Will parents receive any funding from the Local Authority to support with the education of their child at home?

No. By electing to home educate, parents have chosen to accept full financial responsibility for the education of their child and will not receive any funding in this respect from the Local Authority. Parents are advised to consider the full cost implications of elective home education when making a decision about the appropriateness of this for their child/ family. The cost of resources (e.g. exercise books, text books, educational visits/trips, writing equipment, computers/laptops, private tutors, etc.) should be factored in to such considerations, alongside any costs that may be incurred if they wish for their child to sit public examinations.

Q: Will the Local Authority provide a tutor?

No. Elective home education is different to home tuition which is paid for and provided, on a temporary basis, by the Local Authority when a child is not able to attend school, for example due to medical reasons. However, parents can choose to employ a tutor to assist them in meeting their duty to ensure that their child receives an efficient, full time education which is suitable to his/her age, ability and aptitude. The Local Authority would advise parents to ensure that any tutors that are employed hold a valid Disclosure and Barring Service (DBS) certificate, formally known as a CRB clearance.

Q: How can parents arrange for their child to sit public examinations?

There is no specified approach to elective home education, no set curriculum that parents are expected to follow or requirement on parents to arrange for their child to sit public examinations. Where parents are keen for their child to sit public examinations e.g. GCSEs, then it is advisable that they cover the relevant curriculum to enable their child to have the best possible chances of success in such examinations. Where parents are hoping for their child to engage in further education, e.g. at a sixth form college/college of further education, they should seek advice from their chosen college on the subjects that may need to be covered and any entry requirements that may be in place, in respect of their child's preferred course options. Details of GCSE examination

boards can be found via the Essex County Council Elective Home Education web pages – click on Useful Contacts/Addresses when you visit our website.

There is no financial support available, via Essex County Council, for home educating parents who are seeking to have their child sit public examinations (e.g. GCSEs). Parents are advised to contact the various examination boards who will be able to advise on the availability of local examination centres where their child could sit their public examinations and also to seek advice about the potential cost implications. Our Useful Contacts/Addresses page will provide you with contact details for the relevant examination boards.

Q: Will parents be contacted by the Local Authority in the future about their child's education?

Section 437(1) Education Act 1996 stipulates that:

“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 (or her) to satisfy them within the period specified in the notice that the child is receiving such education.”

If concerns are shared with the Local Authority which indicate that a child may not be in receipt of a suitable education, the CME and EHE Team will make informal enquiries to ascertain if these concerns are justified. Parents are under no duty to respond to such informal enquiries; however the Department for Education advise that it would be sensible for them to do so.

Q: What will happen if the education that parents are providing is deemed unsuitable?

The Local Authority has a statutory duty to instigate formal School Attendance Order proceedings if a parent, after informal enquiries and warnings, is unable to satisfy the Local Authority that they are providing a suitable education for their child. This means that if it appears that the education is not suitable, we will work with parents to support them to find a suitable school that they may register their child with, without delay.

If a parent then fails to enroll their child at a school of their choice, the Local Authority will be forced to issue a School Attendance Order which will name a specific school at which parents must register their child. This Order will remain in place for the remainder of the child's compulsory school age entitlement. If parents do not comply with the School Attendance Order, the case will be presented before the Magistrates Court and parent(s) may face a fine of up to £1000.

Q: Where can parents access more information about Elective Home Education?

By visiting the Essex County Council website (www.essex.gov.uk) and searching for 'Home Education'. Here parents/professionals will find advice and guidance relating to elective home education.

Section 5: Contact details for the CME and EHE Team

If you would like to make contact with the CME and EHE Team, please find relevant email contact details below (or alternatively you may wish to call our team line on **03330 322 962** or email the team at childrenmissingeducation@essex.gov.uk).

Anita Patel-Lingam – Senior CME/EHE Specialist - anita.patel-lingam@essex.gov.uk

Debbie Heine – CME/EHE Investigator (North East) – debbie.heine@essex.gov.uk

Deborah Swann – CME/EHE Investigator (West) – deborah.swann@essex.gov.uk

Manda Briggs – CME/EHE Investigator (South) – manda.briggs@essex.gov.uk

Rajshree Ravalía – CME/EHE Investigator (Mid) – rajshree.ravalía@essex.gov.uk

Patsy Brown/Jo Salter – CME/EHE Coordinators – childrenmissingeducation@essex.gov.uk