

# **Elective Home Education Protocol**

**Revised April 2026**

This protocol has been updated and complies with the latest publications by the DfE; Elective Home Education: guidance for local authorities April 2019 and Elective Home Education guidance for parents April 2019

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## **Introduction**

Lincolnshire County Council, the local authority, believes that education is a fundamental right for every child and aims to work in partnership with parents who electively home educate and supports their right to do so.

It also believes that parents are the prime educator of their child within or outside the schooling system.

Whilst the local authority encourages parents to enrol their child at school, they also recognise that parents have an equal right to educate their child at home. The local authority wishes:

- to work with parents who home educate in order to ensure that those children are provided with efficient, full-time education suitable to their age, ability and aptitude and to any special educational needs which they might have.
- to ensure that the education takes place in a safe learning environment that benefits the child's growth and wellbeing.
- to ensure that parents who choose to electively home educate their children, do so for the right reasons and have an intention to educate at home from the point they remove their child from school.

The local authority seeks to build positive relationships with parents who home educate by establishing mutual understanding, trust and respect.

This document aims to:

- clarify the legal position in relation to home education
- set out the parents' rights and responsibilities to educate their children at home
- explain the legal duties and responsibilities of head teachers and the local authority.

## **The Context for Elective Home Education**

Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents or carers at home, rather than providing education for their children by sending them to school. This is different to home tuition or alternative provision provided by a local authority other than in school.

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

*"No person shall be denied the right to 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 convictions."*

This protocol takes account of the DfE Elective Home Education: guidance for local authorities April 2019 and the Elective Home Education guidance for parents April 2019

The protocol:

- has also been developed in the context of the duty placed on local authorities to make arrangements to safeguard and promote the welfare of all children (Section 175 of the Education Act 2002).
- aims to achieve an appropriate balance between the rights of home educating parents and the responsibilities of the local authority.

## **The Legal Background**

The responsibility for a child's education rests with his/her parents. In England, education is compulsory, school is not.

Section 7 of the Education Act 1996 states that the parent of a child who is of compulsory school age (5-16) has a legal duty to see that their child receives:

*"efficient full-time education suitable:*

- *to his/her age according to ability and aptitude and*
- *to any special educational needs s/he may have either by regular attendance at school or otherwise".*

The terms "efficient" is not defined in law however, it can be interpreted as meaning education which 'achieves what it is intended to achieve'.

Similarly, "suitable" education is not defined in law, although it must fulfil the requirements outlined in 3.2. 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. There is an expectation that literacy and numeracy is learned and the education should aim at enabling the child, when grown-up, to function as an independent citizen in the UK - and furthermore, beyond the community in which he or she was brought up, if that is the choice made in later life by the child. Home education should not conflict with the Fundamental British values.

Education at home may not be deemed suitable if it is delivered in circumstances that make it difficult to work as this may affect its efficiency and whether it is 'received'. The education may also be deemed unsuitable if it leads to excessive isolation which impacts on the child's social development.

Local authorities have a legal duty under section 437 of the Education Act 1996 to take action "if it appears" that a child of compulsory school age in their area is not receiving suitable education.

Sections 10 and 11 of the Children Act 2004 give local authorities general duties for promoting well-being and, in relation to their non-education functions, safeguarding and promoting the welfare of children in their areas. This includes children educated at home as well as those attending school.

Section 175 of the Education Act 2002 requires authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare. Therefore the generally duties of local authorities in relation to safeguarding are the same for all children, regardless of how they are educated.

While the majority of home educated families will require minimal involvement with the local authority, there may be situations where it is required to act on concerns raised by another professional. This may be approached through an additional contact or through a referral to the Customer Services Centre if deemed appropriate and could lead to a joint decision that EHE is not suitable at this time. The EHE team will communicate and work collaboratively with any other involved agencies to ensure the appropriate support is provided.

## **Parent's Rights and Responsibilities**

School age is defined as beginning from the start of the first term commencing after the child's 5<sup>th</sup> birthday, until the last Friday of June in the school year in which they reach 16. After this date, young people are required to remain in learning or training up until their 18<sup>th</sup> birthday. Post-16 the choices are to stay in full-time education, either at college or school sixth form, go into an apprenticeship or find employment which has a training element. This post-16 stage of learning will not be monitored by the LA Elective Home Education team.

Parents who choose to home educate must be prepared to assume full financial responsibility for doing so, including bearing the cost of any public examinations.

Parents are not currently required to register or seek approval from the local authority if they wish to remove their child from school to home educate. Parents of a pre-school child are also not required to notify the local authority of their intention to home educate but are

encouraged to do so by contacting the Elective Home Education Team at Lincolnshire County Council in order to access advice and support.

Parents should inform the school, preferably by writing, that they intend to home educate their child to avoid subsequent misunderstandings as to how the child is being educated and to access advice and support. The school is obliged to inform the local authority of children removed from its admission register and will give home education as the reason, if notified of this by the parent.

Children with Special Needs can be educated at home. However, where a child has an Education, Health and Care Plan (EHCP) and begins home education, the local authority has a legal duty to review the Plan when the child starts home education at least annually for as long as it is in force. This is to ensure that the child's special educational needs are being met.

If the child is on roll at a special school, the parents must obtain the agreement of the local authority before the child's name can be removed from the school roll. Parents should discuss this with the SEND case worker.

If a child is registered at a school as a result of a school attendance order, the parents must get the order revoked by the local authority, before the child can be removed from the school's register and educated at home. Parents can discuss this with the elective home education team.

If a child is subject to an Education Supervision Order, then the parents must get permission from the Supervising Officer before electing to home educate.

Parents who choose to home educate their child must be able to demonstrate their intention to home educate as soon as they have made the decision to remove their child from school.

The information required must effectively demonstrate that they have considered the educational needs of their child and how they will meet these needs in the immediate and long-term future. This does not have to be rigid, and parents will not be held to account if they do not follow the ideology or intentions that they originally had. Parents should, however, be able to evidence, what learning has taken place since the child left school and how they are preparing for educating their child in the future. Whilst a child may need a period of adjustment when starting home schooling, there is no legal basis for 'de-schooling' and so there is an expectation that children are learning soon after they are taken off roll of the school.

A parent who chooses to home educate their children may choose how they wish to do this. Whilst they do not need to replicate a school environment, educationally and socially, they will be required to demonstrate that their child is receiving a full-time suitable education and that progress is being made in the child's learning as well as give due consideration to their

child's wellbeing and social interaction. The type of educational activity can be varied and flexible.

DfE guidelines make it clear that where parents do not provide the information required within reasonable timescales, the local authority is entitled to conclude from the absence of any response or any other information, that it appears that a child is not receiving a suitable education. Therefore, should home educating parents, decline to engage at any point in the process, the local authority can legally issue a formal notice under section 437 requiring the parent to satisfy the local authority that the child is receiving a suitable education.

## **Duty of Schools**

The school must notify the local authority when a child is removed from its roll to be home education. The local authority also requests that the school provide confirmation regarding how it has determined or believes that the child will be electively home educated. Ideally, this should be supported by a letter from the parent stating their intention to home educate, or alternatively, if such a letter is not received, a copy of correspondence from the school to the parent affirming the school's understanding that the parents intend to pursue home education.

It is this local authority's requirement that schools share with it any concerns or known risks about the child, including their view on whether home education is likely to take place, and pass this, together with a 2 year attendance history (or less if the child has not been at the school for 2 years) to the local authority at the time of notification.

When a school is informed by parents of their intention to home educate, the school must offer the parents the opportunity to discuss their decision. They can also contact their local authority Attendance team school link worker to lead this meeting. The Attendance team worker will be able to explain the process and what is required of parents. This is particularly important when a parent makes a decision to home educate in response to an incident at school or as a means of avoiding a particular issue, such as actions related to the child's attendance or behaviour. The decision to home educate should be made for positive reasons and should be made in an informed and considered way, with the child's best interests as the prime consideration. School can provide the parent with a link to the local authority EHE website, however, there should be no intention to persuade parents to home educate or dissuade them from choosing to home educate.

Flexi-schooling (part-time school attendance) refers to an arrangement where the school and parent agree that a child will receive some of their education outside of the school

environment. This decision is made by the head teacher through discussions with the parents and not by the local authority. Parents cannot demand that the school accepts a flexi-schooling plan; it is up to the head teacher to decide. Flexi-schooling differs from a reduced timetable, which is implemented by the school to accommodate a child's medical needs.

The LA take a proportionate approach to monitoring children receiving education outside of full-time school, including flexi-schooling and EHE alongside college attendance. Where a child remains on roll under a flexi-schooling arrangement, the school retains primary responsibility for attendance, safeguarding and oversight, and the Local Authority undertakes light-touch periodic checks with the school to confirm the arrangement remains appropriate. The LA also maintain accurate and up-to-date records of all children on flexi-schooling agreements to ensure clear oversight and consistent tracking.

Where a child is EHE but attending college 14-19 provision, as the main provider, monitoring is similarly proportionate and based on assurance from an established education setting. Where college attendance forms the majority of provision, the LA monitor through termly checks on attendance, engagement and progress rather than requesting additional evidence from parents. Where it forms only part of provision, the full home education is assessed. This approach avoids duplication, focuses on reliable evidence from regulated providers, and ensures the LA maintain oversight of suitability and safeguarding in a consistent and efficient way.

## **Duty of Local Authorities**

The duty under s.436A means that the local authority must make arrangements to find out as far as possible whether home educated children are receiving suitable full-time education. Until the local authority is satisfied that a home-educated child is receiving a suitable full-time education, then a child being educated at home potentially remains in scope of the duty under s.436A of the Education Act 1996.

The local authority is responsible for ensuring that it has a clear and easily accessible EHE protocol which sets out the legal position, establishes clear and fair procedures and explains the respective roles and responsibilities of the local authority and home educating parents. The local authority will publish the name and contact details of the team and the named senior officer with responsibility for Elective Home Education.

The local authority recognises that there are many, equally valid, approaches to educational provision and what is important is that all children are involved in a learning process. The local authority will therefore seek to establish positive and supportive relationships with home educating parents and will respect their right to adopt a rich and diverse range of approaches to home education and use of a variety of philosophies and methods.

## **Stage 1: Intention to electively home educate- the process**

Following the notification that a child is to be home educated, the local authority will contact the parent requesting a **Stage 1 form** to be completed. This should be returned within 10 days.

If the intention to educate is deemed satisfactory, the child will move to stage 2 in the process when further details on the education and progress being made is requested. This will take place within 3-4 months. If there is no communication or response from the parent following a request about the intention to educate and further reminders, a formal s. 437 Notice will be issued to parents requiring them to provide information about the child's education within 5 days from the date of the notice. If the parent is subsequently able to demonstrate they are offering a suitable home education from the outset and has made preparations with that aim in view, the education will be deemed satisfactory and will move to stage 2.

Once the intention to home educate has been deemed satisfactory, the local authority will contact parents and request that they complete the **Stage 2 EHE evidence form**. This form provides prompts to help parents describe the education being provided and the progress their child is making.

Both stage 1 and stage 2 forms can be found on the EHE webpage. If preferred, parents may request a telephone call or Microsoft Teams call to discuss their child's education, before or after completion of the forms. Parents may also provide information in a format of their choice via [EHE@lincolnshire.gov.uk](mailto:EHE@lincolnshire.gov.uk) or to the address below.

If information is not received within the specified timeframe, or if the evidence does not show that the child has been learning since leaving school, the education will be considered unsuitable and parents will be asked to submit a mid-year application for their child's return to school.

There will be an expectation that the previous school will put the child back on their roll and make arrangements for the reintegration. The local authority will seek assurance from the school that this has taken place. Where it is concluded a return to the previous school is not in the best interest of the child, an application can be submitted to an alternative school.

If a child has an Education Health Care Plan (EHCP), the school should inform the SEND Team, who will arrange an annual review meeting, preferably before the child is removed from the school roll. This meeting should take place within two weeks of parents informing the school of their intention to home educate, and the child should continue to attend school until the meeting takes place. If parents choose to remove the child from roll immediately, a request for an annual review meeting will be sent to the parents. Where a child with an EHCP is removed to be home educated, the SEND caseworker and the SEWO will jointly consider the proposed home education to ensure that the provision can meet the needs set out in the EHCP.

## **Stage 2: The Education Provision**

The EHE education provision advisor will review the information that parents provide at stage 2 and confirm if this is suitable. The focus will be principally on support, through advice and guidance, for those who are not providing their children a suitable education. There are 2 possible outcomes:

- a) Parent demonstrates that their child is receiving a suitable education in line with Section 7 of the Education Act 1996. Parent will receive a letter of suitability with a brief summary outlining the basis for this decision. The local authority will then request a progress update in 12 months' time unless circumstances warrant the need to review the provision earlier.
- a) Parent does not demonstrate that the child is receiving a suitable education. Parent will receive an unsuitable education summary report which identified areas requiring development in order for the provision to be deemed suitable. Parent will have 2 months to resubmit the evidence demonstrating progress.

If after the 2 month period, the review continues to deem the education as unsuitable, the case will proceed to be considered for a School Attendance Order or where appropriate, an Education Supervision Order (ESO) made under s.36 of the Children Act. Both orders will only be serviced if all reasonable informal and formal steps have been taken to establish if

the education provision is suitable. At any stage during the process, parents may present evidence that they are now providing a suitable education and apply for the order to be revoked

## Notes

- To make the protocol less clumsy 'parents and carers' will read as parent/s and 'child or children' as child. We have also used the term 'child' to cover the entire age range for statutory education i.e. 5 – 16 years.
- Although we recognise that education can take place at all times and in all places, for convenience 'education otherwise than at school' will be referred to as 'elective home education', 'home education' and 'home schooling'.
- Again for the sake of ease Lincolnshire County Council Children's Services is referred to as the local authority.

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