

Suffolk County Council

Health, Wellbeing and Children's Services

Elective Home Education (EHE) Procedures

Should you wish to contact the team please email the EHE Business Support Officer at ehe@suffolk.gov.uk.

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1.0 Introduction

- 1.1 Elective home education (EHE) is the term used by the Department for Education (DfE) to describe parents' decisions to provide education for their children at home instead of sending them to school. This is different to, and should not be confused with, Home Tuition or Education Other than At School (EOTAS), which is education provided by a local authority (LA) for pupils who, for a variety of reasons, are unable to attend school. Such education is organised by the LA and is monitored against the same measures that are used in schools.
- 1.2 The purpose of this document is to outline the legal position and Suffolk County Council's (SCC) procedures relating to elective home education of children/young people of compulsory school age.
- 1.3 These procedures have been drafted within the context of the following:
- Children Act 1989
 - Education Act 1996
 - Education Act 2002
 - Elective Home Education: Departmental Guidelines for Local Authorities (DfE April 2019)
 - Working Together to Safeguard Children (September 2016)
 - Information and Policies of other Local Authorities
 - Children Missing Education: Statutory guidance for local authorities (DfE, September 2016)
 - 'Support for Home Education', House of Commons Education Select Committee Report (Dec. 2012), Volumes I and II
 - Children and Families Act 2014
 - Special educational needs and disability code of practice: 0 to 25 years (DfE May 2015)
 - OFSTED Inspection Handbook (September 2019)

2.0 The law relating to elective home education

- 2.1 The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not. The vast majority of parents meet their statutory duty by sending their children to school. A relatively small number of parents exercise their right to educate their children at home. In education law 'parent' is defined in Section 576 of the Education Act 1996 as:
- all natural (biological) parents, whether they have parental responsibility or not;
 - any person who, although not a natural parent, has parental responsibility for a child (this could be a step-parent, guardian or other relative);
 - any person who, although not a natural parent, has care of a child. This is where they are a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child.
- 2.2 Section 7 of the Education Act 1996 requires that all parents have an equal duty to secure an appropriate full-time education for their children that is suitable for their child's age, ability, and aptitude, and to any special educational needs they may have. Parents can do this either by their child's regular attendance at school or 'otherwise'. Some parents choose to do this by educating their child at home. In some cases parents disagree as to whether home education is desirable or being provided properly. This is a private matter between the parents, the local authority cannot take the side of any parent, unless there is a Family Court order which limits the duties and/or responsibilities of a particular parent in respect of their child's education. However, this dispute would not remove the local authority's duties towards the child to ensure they are receiving a full-time suitable education. Therefore, if the parents cannot sort out the dispute between themselves, then the recommendation would be for the parents to seek independent legal advice.

- 2.3 Legislation does not define what an ‘efficient’ and ‘suitable’ education is. However, these elements have been considered in case law where ‘efficient’ has been described as an education that ‘achieves that which it sets out to achieve’. A parent can be providing full time home education ‘efficiently’ but if this is not meeting the needs of the child, then it is not classed as ‘suitable’. A ‘suitable’ education is one that ‘primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child’s options in later years to adopt some other form of life if he wishes to do so’. Consequently, there are going to be a range of approaches that are possible, especially with respect to elective home education, and what is efficient and suitable for one child is not necessarily going to be the same for a different child
- 2.4 Elective home education must contain some element of supervision, and case law has confirmed that, unless there are clear reasons why it is not possible for that child, for example due a medical condition or disability, it is essential that it must include the child gaining the abilities of reading, writing and arithmetic (also known as ‘functional literacy and numeracy’).
- 2.5 There is currently no legal definition of what ‘full-time’ education is. The DfE notes that children in mainstream schools normally receive between 4.5 -5.0 hrs per day for approximately 190 days per year. The LA accepts that EHE can be varied and flexible, but education which is not occupying a significant proportion of the child’s life (making allowance for holidays) will probably not be sufficient. Therefore, the LA would expect parents to be able to provide an indication of the number of hours per week and weeks per year of the education being provided. This information will be used by the LA to help establish if the education being provided is full time and suitable.

3.0 Parental rights and responsibilities

- 3.1 Parents, as defined above, may decide to exercise their right to home educate their child from a very early age and so the child may not have been previously enrolled at school. They may also elect to home educate at any other time up to the end of compulsory school age. Parents are not required to register or seek approval from the LA to educate their children at home, except where the child has an Education Health and Care Plan (EHCP) which names a special school as the required placement, or where there is a school attendance order requiring the child to be educated in a named school. However, before deciding to commence EHE the LA does encourage parents to contact the EHE team so that information and a ‘Parental Confirmation of Elective Home Education’ form can be sent to them.
- 3.2 Where a child has been registered at a school, parents are required to notify the school in writing when withdrawing a child for EHE. This is to confirm that provision is being made for the child’s education otherwise than at school and requesting the child’s removal from the school’s admissions register (that is, the school roll).
- 3.3 Where a child or young person is a registered pupil at a special school and the parent decides to home educate, before the child’s name can be removed from the school’s admissions register the LA must give consent for the child’s name to be removed. The DfE guidance notes this should not be a lengthy or complex process, but this does not remove the need for the LA to be satisfied that the parent’s proposed EHE is suitable for the child’s SEN (more details on this are in the section on children with SEN below).
- 3.4 Where a child is registered at a school because of a school attendance order, the parents must get the order revoked by the LA on the grounds that arrangements have been made for the child to receive suitable elective home education before the child can be deleted from the school’s register and educated at home.

3.5 It is the policy of Suffolk County Council that children in its care (Children Looked After) should attend a school or alternative educational placement and will not be considered for EHE.

3.6 The type of educational activity provided as EHE can be varied and flexible. It is recognised that home educating parents are not required to:

- teach the National Curriculum
- provide a broad and balanced curriculum
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards.

3.7 In line with the most recent government guidance (April 2019) SCC would expect parents' provision of education at home to include the following characteristics:

- consistent involvement of parents or other significant carers
- access to functional literacy and numeracy
- recognition of the child's needs, attitudes and aspirations
- opportunities for the child to be stimulated by his or her learning experiences
- access to resources/materials required to provide home education for the child.

3.8 SCC accepts that in the early stages, parents may not yet be able to respond fully to enquiries. In such cases, a reasonable timescale for responding will be agreed with the parents.

3.9 SCC recognises that there are many equally valid approaches to educational provision. What is suitable for one child may not be for another, but all children should be involved in a learning process. Therefore, SCC will focus on the expected outcomes of the learning process as an indication of the suitability of education being provided.

3.10 Parents who choose to electively home educate assume full financial responsibility for their child's education, including the cost of any public examinations. SCC does not provide any financial support for parents who choose to electively home educate their child.

4.0 School responsibilities

4.1 If parents inform schools that they are considering home education, it is important that schools and parents are fully apprised of the expectations and implications of home educating before committing to making this important decision. It is not recommended for parents to elect to

educate their children at home as a way of solving a perceived or ongoing problem at school without seeking a solution to the issues first.

4.2 Where a parent does inform a school they are considering home education then SCC strongly recommends:

- schools convene a meeting to talk through parents' reasons to home educate their child/children and resolve any issues about school and the child's needs that might influence the parents' decision to continue with their attendance at the school. As a result, parents will be fully aware of their responsibilities and if there are any concerns that the school may have regarding their decision to home educate. The meeting might include set agenda items and focus on the academic, pastoral and social needs of the child/children
- that parents are given contact details and advised to seek advice from SCC's EHE team before formally asking the school to remove the child from the school roll
- where appropriate both the school and parents should consider support offered through the SCC's Early Help Team (EHT), where families are considering home education as means of addressing wider unmet needs or unresolved issues.

DfE guidance confirms that schools must not seek to persuade parents to educate their child at home and makes it clear that the practice of removing a pupil from the school roll by encouraging a parent to remove their child from the school, when the removal is primarily in the interests of the school rather than in the best interests of the pupil would be considered 'off-rolling'. Examples might include pressuring parents to remove their child as an alternative to threatened permanent exclusion or where the child has a poor attendance record. If SCC becomes aware of such practices then it will seek to discuss the matter with the school, and may if necessary consider reporting the behaviour to Ofsted and the Regional Schools Commissioner (RSC).

4.3 If the parent's decision is firmly to home educate, schools **must**:-

upon receipt of written notification from a parent that their child is receiving education otherwise than at school, delete the child's name from their admissions register;

- acknowledge (in writing) receipt of the parents' written notification of their decision to home educate;
- inform SCC immediately of the removal of the child's name from the admissions register following the above in accordance with Regulation 12(3) of the Education (Pupil Registration) Regulations 2006;
- ensure that the pupil file is retained in accordance with usual procedures until requested by a receiving school. The parent may request a copy of the file.

5.0 Local Authority responsibilities

5.1 In December 2012 the House of Commons Education Select Committee produced a report, 'Support for Home Education'. It stated that:

'The role of the local authority is clear with regard to home education. They have two duties: to provide support for home educating families (at a level decided by local authorities themselves), and if families wish it; and to intervene with families if the local authority is given reason to believe that a child is not receiving a suitable education.'

5.2 LAs have a duty under Section 436A of the Education Act 1996 to plan to establish the identities of children in their area who are not registered pupils at a school and are not receiving a suitable education otherwise than at school. This duty only relates to children of compulsory school age.

5.3 The LA also has a responsibility under DfE Child Missing Education Guidance 2016 to consult the parents of the child when establishing whether the child is receiving suitable education. Those children identified as not receiving suitable education should be returned 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.'

5.4 SCC will make contact with EHE parents on at least an annual basis, so that the LA may reasonably inform itself of the current suitability of the education provided. In cases where there were no previous concerns and no reasons to think that this has changed, this contact will be proportionate.

5.5 SCC has a duty to ensure that all children within the area are receiving suitable education, including when they are receiving EHE. Therefore, SCC expects that there should be regular communication with parents, including the provision of information about the EHE their child is receiving, because without this SCC cannot fulfil this duty.

5.6 Article 12 on the United Nations Convention on the rights of the Child requires the LA to offer the child the opportunity to express their view and for due weight to be given to their views in accordance with the age and maturity of the child. This does not give the children authority over parents and the decision to EHE a child is a matter for the parents. If the information provided by the child casts doubt over the suitability of the education being provided, in terms of s.7 Education Act 1996, then that opinion might be part of the information leading to a conclusion by the LA that the education is not suitable.

5.7 Section 437 of the Education Act 1996 requires that If it appears to a LA that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.'

5.8 Before sending such a formal notice, the LA may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided. The DfE guidelines, to which the LA must have regard, state that parents are under no duty to respond to such enquiries, '*but it would sensible for them to do so*' (*Phillips v Brown* [1980]).

There is an argument sometimes made that where the LA has no information at all about the EHE being provided, which will be the case if a parent refuses to communicate with the LA or simply states the EHE is 'suitable' but gives no details, then the LA cannot send the formal notice to a parent. The claim is that in such a situation the requirement that it must appear to the LA that the child may not be receiving suitable education cannot occur, because the LA does not know anything about the education the child is, or is not, receiving.

However, in the case of Phillips and Brown the judge stated that where the LA had no knowledge of the education, then he did not accept the LA should do nothing. Instead, he

indicated the act of refusing to respond may mean that until proven otherwise the LA may be able to reasonably conclude that the child is not receiving suitable education. This would then fulfil the requirements for a formal notice to be sent.

Stephen Bishop of the DfE has confirmed this legal interpretation, highlighting that the parent has a simple way to resolve the issue by providing the information requested to the LA:

'But we are satisfied that the interpretation of the law in Phillips vs Brown case does give local authorities grounds to make informal enquiries of a family where there is no information. Based on the response (if any), the authority can then decide whether the test in s.437(1) for making an order is satisfied. It is consistent with the judgement to take the view that the absence of convincing evidence in response to an informal enquiry is sufficient to meet the test. This cannot be regarded as oppressive since the parents have an adequate opportunity to demonstrate suitability.'

5.9 Section 437 Education Act 1996 requires that if a parent fails to satisfy the local authority within the specified period that their child is receiving a suitable education, and in the opinion of the authority it is appropriate that the child should attend school, it shall issue a 'school attendance order' requiring that their child become a registered pupil at the educational setting named in the order.

5.10 SCC has the duty to safeguard and promote the welfare of all children.

5.11 When seeking assurance of an efficient and suitable education, officers will have due regard for the need to prevent people from being radicalised.

5.12 To support school leaders and other professionals to remain up to date and informed of their roles and responsibilities in relation to EHE, the team regularly provide training and information sessions.

6.0 Suffolk County Council's EHE team role

6.1 SCC consider it to be desirable for parents and the LA to work together, recognising each other's rights and responsibilities. Officers work to establish and maintain a positive dialogue in children's best interests to ensure that a high-quality education is received, children views are considered, and children are safeguarded and their welfare promoted. The LA supports positive engagement through identifying a range of opportunities for families to access via their website, regular 'drop in' sessions, and advice and signposting from EHE officers.

6.2 Some parents opt to electively home educate because they are dissatisfied with the educational system or their child's current school. Some families may feel that electing for home education is the only available option when it appears that school issues cannot be resolved or where personal circumstances mean that attending school regularly is problematic. At the time a decision to home educate is made, parents may be unaware of the full scale of what is involved in electively home educating. The EHE team aims to support families in these situations to ensure they understand the implications of the child no longer being on a school roll. For example, parents should be aware they are taking full responsibility for their child's education including any costs incurred through the education, for example, resources, text books, website subscriptions and GCSE exam fees. The EHE team will seek to support families in raising their concerns where they feel they have been coerced into EHE by a school.

- 6.3 Where possible, the EHE team will explore the options for access/signposting children and their parents/carers to other educational services and facilities, having consideration of the LA's available resources.
- 6.4 The role of the EHE team is not to tell parents how to educate their children or to promote registration at school. The LA understands that there is no one 'correct' way to educate children/young people educational system. All children learn in different ways and at varying rates. It is vital that parents and children choose a type of education that is right for them but equally ensures that children are numerate and literate, and it is important that EHE officers understand and are supportive of differing approaches or 'ways of educating' which are feasible and legally valid.
- 6.5 In circumstances where an EHE child would like to return to a school-based education, then the family will need to make a new school admission application. A space cannot be guaranteed to be available at any school. If the wish is for the child to return to the school they were previously educated at, families must be aware that there is no guarantee that there will be space for them to return to, as their previous place may have been given to another child moving to that school. Decisions on school admissions applications are made by the admissions authority for the school, and SCC is only the admissions authority for community and voluntary controlled schools. All other schools manage their own admissions policies outside of SCC control.
- 6.6 Where young people are entering EHE during Key Stage 4, attention will be given to ensuring appropriate learning pathways are discussed with relevant parties. There is an expectation that clear plans will be in place for achieving recognised qualifications at age 16 and securing progression to post 16 learning or employment with training, and, recognising the vulnerability of becoming NEET (Not in Education, Employment or Training) for young people who exit school at this late stage.
- 6.7 The EHE team also has a role to respond to concerns that a child is not receiving suitable education for their age, ability, aptitude and any special needs they may have. The EHE team will seek to provide support and information for parents to resolve identified issues, but where a child appears to be missing education and resolution is not found to be possible the local authority can start formal intervention procedures (described in more detail below).

7.0 Local Authority procedures

- 7.1 To comply with its duty to intervene if it appears that a child of compulsory school age is not receiving a suitable education and to adequately plan for support for families, SCC policy is to:
- Maintain a record of children known to SCC being educated at home. This is a list of the children known to SCC only and therefore not an exhaustive list of all children educated at home in Suffolk. Families who have children who have never been on roll may also register to access advice and support.
 - Establish a process to identify all four to five-year olds for whom an admission application for a school place has not been made.
 - Publish information about EHE arrangements for parents who wish to educate their child at home. The information will be posted on the SCC website and can be sent out on request to those enquiring about educating children at home.
 - Provide parents with a named EHE Officer who is familiar with EHE policy and practise and has an understanding of a range of educational philosophies. Officers can offer support and guidance relating to the parents' plans for their child's education. EHE officers will be available to work in partnership with families to advise, signpost and discuss educational provision.

- Have a named senior officer with responsibility for EHE and its links with other services. This officer will oversee the work of the team and will manage any concerns regarding EHE practise and procedures.
- Hold termly 'drop-ins', explore the options for access/signposting to other SCC services and facilities for parents, within available resources, and to also seek to ensure EHE children have appropriate access to services and facilities from other agencies that would generally be delivered via school.
- Make contact with parents at least on an annual basis, so that the LA may reasonably inform its of the current suitability of the education provided and parents can provide updated information on the progress of their child.
- Liaise and work with multiagency professionals in areas of concern, to support children to receive the most appropriate provision.
- Inform all SCC staff about the purpose and case responsible staff of the outcomes of EHE panel meetings.
- Comply with legal requirements, where a child has an EHCP, carry out the legal duty to ensure that the child's needs are met is fulfilled and annual reviews are undertaken for those children.
- Advise and assist families who request support with returning children to school or with identifying a school place.
- Provide support to explore post-16 options and find a move for an appropriate route.
- Ensure all EHE registrations from the second half of the summer term for Year 6 pupils will be confirmed in September of that year.
- Make certain that the views of children who are electively home educated are heard and considered in decision making.
- Include the EHE community when determining its strategies to support EHE children.

8.0 Procedural guidance

8.1 If SCC is made aware of a child being home educated within Suffolk, the child's details will be added to the central EHE database. An officer will make written contact with the parent.

8.2 Parents and schools may contact the SCC EHE team for advice at any stage in a child's education.

8.3 Initial contact will be made with a family following deregistration from school and parents requested to share information about the education provision they are providing.

8.4 When the EHE officer has received information and as a result has no concerns with the educational provision being made by a parent, annual contact is made. This is to establish conformation of continuing EHE, request an update on the child's current provision and to offer of advice/information. Parents may contact the EHE team during this period (or at any other time) for advice and support.

8.5 EHE officers will offer an early opportunity for parents to inform them if they believe they have been pressured by the school into EHE. In such situations, officers will advise parents on using the school's complaints procedures. Following this, where a parent feels that the procedure has not been adhered to, the EHE team will direct their complaint to LA Education officers, Organisational Support.

8.6 EHE officers will monitor data and highlight schools considered to have larger than average numbers of children leaving to EHE and report the findings of this data to the Assistant Director, Education and Learning. They may be required to inform OFSTED and or the RSC.

- 8.7 If concerns are raised, or where there is no information available at all, or information comes to light that makes it appear the EHE may be unsuitable, EHE officers will seek additional detailed information and assurance to establish that a suitable and efficient education is taking place. These informal enquiries could include a request to see the child either in the home or in another location. The parent is under no obligation to agree to this simply to satisfy the LA as to the suitability of the education, although a refusal to allow a visit can in some circumstances justify service of a notice under s.437(1). Individual cases of concern will be discussed, and actions determined by the EHE panel meeting. If these concerns remain, the LA will reasonably expect parents to respond and address concerns raised. Parents are expected to provide evidence of a suitable education that would, on the balance of probabilities, convince a reasonable person that a suitable education is being provided for the age and ability of the child. In those cases where concerns remain after reasonable steps have been taken to establish that a suitable education is in place, the school attendance order process will be started in accordance with Section 437 of the Education Act 1996. This entails first sending a formal notice to the parent requiring them to satisfy the LA that they are fulfilling their duty and the child is receiving suitable education. If the parent fails to do this in the required time, and where the LA decides it is appropriate that the child should attend a school, then the LA will serve on the parent a 'school attendance order', requiring the child to become a registered pupil at a school named in the order.
- 8.8 Prior to serving a notice under Section 437 of the Education Act 1996 the LA would aim to address the situation informally. If the LA has information that makes it appear that parents are not providing a suitable education, the most obvious course of action is to ask parents for further information about the education they are providing. Such a request is not the same as a formal notice, and will not necessarily result in a school attendance order being issued.
- 8.9 If because of the parent's response, or lack of response, SCC decides that it does appear that that child is not receiving a suitable education, then it must serve a formal notice in writing on the parent requiring them to satisfy SCC within the period specified in the notice that the child is receiving such education. The period in which the parent must satisfy SCC will be stated on the notice and will be not less than 15 days.
- 8.10 A school attendance order should be served after all reasonable steps have been taken to try to resolve the situation. However, if the parent fails to respond or fails to provide evidence to show that the child is receiving a suitable education within the period then SCC will issue a school attendance order on the parent which will require them to cause the child to become registered on the admissions register (school roll) of the school named on the order.
- 8.11 Parents can appeal against a school attendance order and the order can be withdrawn at any stage if the LA receives information demonstrating parental commitment and the child being electively home educated is receiving a suitable education.
- 8.12 SCC will always seek to discuss and engage with the parent. SCC will only take legal action against the parent as a last resort, after all reasonable avenues have been explored to bring about a resolution of the situation.
- 8.13 If SCC prosecutes parents for not complying with the Order, then it will be for a court to decide whether the education being provided is suitable. The court can revoke the Order if it is satisfied that the parent is fulfilling their duty. It can also revoke the Order where it imposes an Education Supervision Order.

9.0 Children with Special Educational Needs (SEN)

- 9.1 Parents' right to educate their child at home applies equally where a child has special educational needs (SEN). SEN law was revised significantly with effect from 1 September 2014 by the Children and Families Act 2014 which introduced integrated Education, Health and Care assessments dealing with SEN and other issues. Following such an assessment a child may be issued with an Education, Health and Care Plan (EHCP) which details their SEN, Health and Care needs, and any provision required to meet those needs.
- 9.2 Parents of any child who has an EHCP and who are considering whether to make their own education arrangements should discuss this with the SEND Family Services Team to ensure that they are fully aware of alternatives (amended provision and/or change of placement) and their SEN statutory rights of appeal.

It is important that parents recognise that there is a difference between home tuition arranged by SCC and EHE provided by the parent. Where the EHCP lists SEN provision that is specified to be provided at the child's home, then this is Education Other Than At School (EOTAS). Such home tuition is not considered EHE and SCC is under a duty to arrange the provision specified. However, where the SCC names in the EHCP a school or type of school as the place where the child should receive his or her education, but the parent chooses to home educate their child, then this is EHE. However, before SCC is relieved of its duty to provide the specific SEN provision listed in the EHCP at the named school, it must be satisfied that, although the parent's EHE provision may be different from the SEN provision listed in the EHCP, the parent's EHE provision is suitable to meet the needs of the child's SEN.

- 9.4 Where SCC names a specific school, or type of school, as the place where the child should receive their education, but the parent chooses to home educate their child, before SCC is relieved of its duty to provide the specific SEN provision listed in the EHCP at the named school, SCC must be satisfied that, although the parent's EHE provision may be different from the SEN provision listed in the EHCP, the parent's EHE provision is suitable to meet the needs of the child's SEN. It is not possible for SCC to be satisfied that the SEN provision will be suitable for the child's SEN if it has no information about what the parent proposes to provide. Therefore, in such a case of a child with an EHCP, SCC believes the parent must provide details of the proposed educational provision.

DfE statutory guidance on electively home educating a child with an EHCP is found in paragraphs 10.30 to 10.38 of the SEND Code of Practice (last updated January 2015).

Where a child or young person is a registered pupil at a special school and the parent decides to home educate, before the child's name can be removed from the school's admissions register SCC must give consent for the child's name to be removed. Although the guidance states the agreement of the LA to release a child currently named to attend a special school should not be a lengthy or complex process, this does not remove the requirement that the LA must still first be satisfied that the parent's proposed SEN provision will be suitable to meet the needs of the child's SEN. This decision is made through the EHE monthly panel meeting.

- 9.4 Where a child is being educated by EHE and has an EHCP, SCC must review their EHCP annually to assure itself that the provision set out in it continues to be appropriate and that the child's SEN continues to be met. Therefore, SCC expects parents to be involved in the review process and provide updated information on the SEN provision being provided. However, it is not mandatory to see the child or the home as part of the review. Where parents wish for only minimal contact and there are no other concerns, the annual review can serve as the annual meeting for EHE purposes.

- 9.5 In the event of parental non-engagement in the EHCP process or annual review, or if the EHE team has any concerns about whether provision in place is meeting a child's needs, a multi-

professional meeting will be called to decide next steps. Each case will be considered on its own merit.

10.0 Safeguarding

10.1 Local authorities have a duty under section 175 of the Education Act 2002 to safeguard and promote the welfare of children, which states:

'the local authority shall make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children.'

10.2 Where a child is not receiving a suitable full time education and action is required by the LA, the LA should bear in mind that unsuitable or inadequate education can also impair a child's intellectual, emotional, social or behavioural development and may bring child protection duties into play. LA should consider whether further action under safeguarding law is required.

10.3 The LA duties to promote wellbeing and safeguarding and promoting the welfare of children in their area includes children educated at home. Therefore, social services teams within the LA and the EHE team will take steps to ensure that relevant information on individual information is shared.

10.4 Where the LA feel that the lack of suitable education appears likely to impair a child's development they will fully exercise their safeguarding powers and duties to protect the child's well-being which includes their suitable education. Harm could include the impairment of health or physical, intellectual, emotional, social or behavioural development. Whether the provision of unsuitable education does amount to significant harm depends on the particular circumstances of the child, and whether those circumstances mean that the child's intellectual and social development are being or are likely to be significantly impaired. If a LA has reasonable cause to suspect significant harm is met it should take action to protect the child's welfare. Reasonable cause can include the lack of any substantive information about the child education.

10.5 A failure to provide a suitable education is capable of satisfying the threshold requirement contained in s.31 of the Children's Act 1989 that the child is suffering or likely to suffer significant harm.

10.6 Section 175 does not extend an LA's functions. It does not, for example, give LAs powers to enter the homes of, or otherwise see children for the purposes of monitoring the provision of elective home education. However, section 157 of the act is clear that if an LA officer is made aware of potential risk of harm they have a duty to refer this to ensure a child's needs are being met.

10.7 The threshold for intervening in a family where a child is being electively home educated should be the same as that for any other child or family where there are clear evidenced concerns about a child's welfare. The fact that a parent has exercised their right to home educate should not prevent the LA from intervening where concerns about a child's welfare have been identified.

10.8 Sections 17 and 47 of the Children Act 1989 provide SCC with a power to insist on seeing children to inquire about their welfare where there are grounds for concern, although such powers cannot be used in order to establish whether the child in question is receiving suitable education at home.

10.9 Officers must act upon any concerns that a child may be at risk of significant harm, in accordance with SCC's child protection procedures, which can be accessed through the Suffolk Safeguarding Children Board website – www.suffolkscb.org.uk

11.0 Reviewing procedures and practices

11.1 Suffolk will review these guidelines annually.

12.0 The Suffolk EHE team

12.1 The EHE team is comprised of one Lead EHE Consultant (1 FTE), two (1 FTE) EHE Consultants and two (2 FTE) EHE Advisors. The team is overseen by a Senior Manager within Education and Learning, within Suffolk County Council's Directorate for Children and Young People.

12.5 The Elective Home Education Team can be contacted by using the details below:

Elective Home Education Business Support
Education and Learning
Health, Wellbeing and Children's Services
Suffolk County Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX
Telephone: 01473 265139
Email: ehe@suffolk.gov.uk