

# Reviewed EHE Policy

**August 2025**



West Berkshire Council recognises the legal right of parents to educate their children at home and is committed to supporting families who choose Elective Home Education (EHE).

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## 1. Version Control

Date: December 2023

Review date: August 2025

Version: 3

Classification: Unclassified

Owner: Melissa Perry, Principal Education Attendance Officer

Version	Date	Description
Version 1	2022	Policy updated Policy updated to reflect Best Practice, recent case law and operational changed, including contact updates.
Version 2	2024	Policy updated to reflect best practice and contact updates
Version 3	2025	Policy reviewed and made more concise and accessible to all

### 1. Data Retention:

Data regarding the education of an Electively Home Educated child will only be retained by the Local Authority for as long as is necessary. In line with statutory provision set out in the Limitations Act 1980, data will be retained for no longer than 25 years.

The Local Authority will then ensure that all data when destroyed is deleted securely. Personal data on paper must be shredded and electronic data shredded with the appropriate software.

***This policy applies to all West Berkshire Council staff and external partner agencies who have contact with compulsory school-aged children; and parents and their children, where they are of compulsory school age and education is accessed at home. The term 'parents' should be taken to mean those with parental responsibility for the child.***

## 2. Summary

West Berkshire Council recognises the legal right of parents to educate their children at home and is committed to supporting families who choose Elective Home Education (EHE). The Council aims to build positive relationships with home-educating families, ensuring that children receive a suitable, efficient, full-time education that meets their age, ability, aptitude, and any special educational needs.

Where concerns arise about the suitability of education, the Council will take proportionate steps to engage with families and fulfil its statutory duties, including safeguarding responsibilities. This policy outlines the roles, responsibilities, and procedures for EHE in West Berkshire.

## 3. Policy Context

This policy is underpinned by the following legislation and statutory guidance:

- [Education Act 1996 – Section 7 and Section 436A](#)
- [Children Act 1989](#) and [2004](#)
- [Human Rights Act 1998 – Protocol 1, Article 2](#)
- [Data Protection Act 2018 / UK GDPR](#)
- [SEND Code of Practice \(0–25 years\)](#)
- [DfE Elective Home Education Guidance for Local Authorities \(2024\)](#)

It should be read alongside local policies including:

- Children Missing Education (CME) Policy
- Fair Access Protocol
- [West Berkshire's Local Offer for SEND](#)

Data relating to EHE is securely stored and retained in line with statutory requirements.

## 4. Introduction

Elective Home Education (EHE) refers to a parent's decision to educate their child at home rather than at school. This is a lawful option under Section 7 of the Education Act 1996. It differs from education provided by the local authority due to illness or other reasons.

West Berkshire Council respects parental choice and seeks to work collaboratively with families to ensure children receive a suitable education. This policy sets out the Council's approach to EHE, including its responsibilities, procedures, and support available to families.

This policy aims to:

- Set out a clear, fair, and proportionate procedural approach in relation to elective home education for professionals and families.
- Demonstrate that West Berkshire Council is committed to developing positive, supportive, and respectful working relationships with all parents of school-aged children who are home-educated, without impeding families' right to home educate.

Throughout this policy, the term 'parents' should be taken to include all those with parental responsibility for the child, including guardians and carers.

#### **4. Local Context**

West Berkshire Council's Education Attendance and Safeguarding Team oversees Elective Home Education (EHE) across the borough. A designated EHE Officer, supported by the Principal Education Attendance Officer, is responsible for EHE policy, procedures, and family support.

The Council works collaboratively with partner agencies, including Health, Social Care, and Education services—to ensure accurate records of children not attending school and to promote awareness of EHE. Staff and external partners receive training on the legal framework and diverse approaches to home education.

West Berkshire is committed to ensuring that all children, including those educated at home, receive a suitable education and are safeguarded appropriately.

#### **5. The Law and Suitability of Educational Provision**

Under Section 7 of the Education Act 1996, parents are legally responsible for ensuring their child receives an efficient, full-time education suitable to their age, ability, aptitude, and any special educational needs.

This education does not have to follow the National Curriculum or be delivered in a school setting.

West Berkshire Council assesses suitability based on outcomes rather than method. A suitable education should:

- primarily equip a child for life within the community of which he is a member, rather than the way of life in the wider 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
- Ensure that there is enough general content (add enough non-religious material)
- Promote progress and development.

- Be delivered in a safe and supportive environment.
- Allow for social interaction and personal development.

There is no single approach to home education. The Council recognises the diversity of educational philosophies and will consider each case individually. Where concerns arise, the Council will seek evidence of educational provision, which may include:

- Curriculum plans or timetables
- Samples of work
- Records of progress
- Details of resources used
- Conversations with the child or parent

There is no legal requirement for parents to inform West Berkshire Council of their intention to home educate. However, the Council encourages parents to:

- Notify West Berkshire Council when they elect to educate their child at home.
- Respond to informal requests made by West Berkshire Council for information about the child's education. Parents are asked to provide information such as plans, records of work and progress made, to satisfy the Council that a suitable and effective education is being provided.

If the Council cannot determine that a suitable education is being provided, it may issue a formal notice requiring parents to satisfy this duty. Continued failure to do so may result in a School Attendance Order.

## **6. Safeguarding & EHE**

Elective Home Education (EHE) presents distinct safeguarding considerations for local authorities. While EHE itself is not inherently a safeguarding concern, reduced visibility of a child's daily environment may limit opportunities to identify risks to their welfare. West Berkshire Council has a statutory duty to ensure that all children, including those educated at home, receive a suitable education and are not missing from education. Where concerns arise—such as lack of engagement, unsuitable provision, or known vulnerabilities—the Council may escalate to formal safeguarding procedures, including referrals to Children's Social Care. All actions are taken proportionately and in accordance with statutory guidance to uphold the safety and wellbeing of children.

Where there are known risks, such as with a child on a child protection plan, the Local Authority may issue a School Attendance Order, with agreement from Children's Social Care, to support increased safeguarding of the child.

Where there are known risks to the safeguarding of a child, the EHE Officer will offer increased support and visits to support education and safeguarding.

## **7. EHCP & Elective Home Education**

Parents of children with SEND have the same legal right to electively home educate. However, if the child is on roll at a special school under local authority arrangements, West Berkshire Council must consent to their removal. This is typically considered through an early or interim annual review.

If consent is refused, parents may appeal to the Secretary of State. While a child is electively home educated, the Council is not responsible for arranging the special educational provision outlined in Section F of the EHCP.

The Council retains responsibility for maintaining the EHCP and conducting annual reviews. If the home education is deemed suitable, the EHCP will reflect that parents have made their own arrangements under Section 7 of the Education Act 1996.

Parents may request a statutory assessment or reassessment at any time. The Council will follow standard procedures, as outlined in the West Berkshire Local Offer for SEND.

Where education other than at school is agreed as the named provision in the EHCP and the Council arranges the specified provision in consultation with parents, this is not classified as EHE. Where a parent takes responsibility for the provision, this is classified as EHE.

## **8. The use of tutors by parents**

When parents choose to employ a tutor as part of Elective Home Education, they retain full legal responsibility for ensuring the education is suitable, efficient, and full-time, as required by Section 7 of the Education Act 1996. Parents should take reasonable safeguarding steps, such as verifying qualifications, checking references, and requesting a DBS check. While tutors are not required to follow the National Curriculum, their approach should align with the child's learning needs. All associated costs are the responsibility of the parent, and progress should be regularly monitored to ensure the provision remains effective.

## **9. The role of schools in EHE**

When a written notification of an intention to home educate is received by a school, the school must submit a copy of this notification to the Education Welfare Service, accompanied by a *EHE Referral Form*, [Notification of elective home education \(EHE\) - West Berkshire Council](#) without delay.

Schools have a duty to inform the Local Authority of all deletions from the admissions register outside of standard transition times. Standard transition times are identified as the point when a child is enrolled at a school at the beginning of compulsory school age; between Years 1 and 2; and between Years 6 and 7.



It is recommended that schools request a meeting with parents and the EHE Officer prior to withdrawal from roll to ensure that the parents can make a fully informed decision. It is recognised that this is not always possible, but it is always best practice.

Where a child is known to Children's Social Care and is removed from the school roll to EHE, the school **must** notify the social worker immediately.

#### 10. School Attendance Orders

A School Attendance Order (SAO) may be issued when West Berkshire Council is not satisfied that a child is receiving a suitable education and informal efforts to resolve concerns have failed.

There may be a variety of reasons why the information / evidence provided has not been deemed suitable by the Local Authority. This may include:

- The education provision described lacks detail, and it is difficult to ascertain what is being taught / what subjects are being studied.
- There are no or very limited examples of work submitted.
- There is no or very limited information regarding resources used internally and externally.
- There is no or very limited detail of how the child's progress is being monitored or examples of work to demonstrate relevant progression.
- There is no clear academic or time structure.

It is important to note that the above is for guidance and by way of example only and is not an exhaustive list. Each case is judged upon its own individual circumstances.

Before issuing an SAO, the Council will:

- Offer meetings to discuss concerns and explore improvement plans.
- Serve a formal Notice to Satisfy, giving parents at least 15 working days to provide evidence of suitable education.
- Consider all the evidence submitted and whether it demonstrates progress and suitability.

A SAO will only be served where West Berkshire Council considers that the child's return to school would be expedient. Where it is considered expedient, School Admissions will be consulted, and parents will be offered the opportunity to submit a preference for a particular school before a SAO is served.

If an SAO is issued:

- Parents must register the child at a named school.
- They may apply to have the SAO revoked by providing evidence of suitable education.



- If the Council refuses to revoke the SAO, parents may escalate the matter through the Council's complaints process or to the Secretary of State.

Failure to comply with an SAO may result in prosecution. If convicted, parents may face a fine, legal costs, and a criminal record. The Council may also seek an Education Supervision Order (ESO) as an alternative or in addition to prosecution.

### **11. Ceasing Elective Home Education**

Children will be removed from the EHE register when:

- They return to school.
- They move out of the West Berkshire area.
- They reach the end of compulsory school age.

If a child moves to another local authority, West Berkshire will notify the receiving authority to ensure continuity of oversight.

### **12. Post-16 Provision**

Young people in England must remain in education or training until their 18th birthday. Acceptable options include:

- Full-time education (school, college, or continued home education)
- Apprenticeships
- Employment with accredited training

West Berkshire Council maintains oversight of education and training up to the age of 18. This includes the responsibility for EHE transitions to the NEET Prevention Team after the last Friday in June of the academic year in which the young person turns 16. The team may contact families to offer support and ensure appropriate post-16 pathways are in place.

### **13. Complaints**

West Berkshire Council is committed to maintaining positive relationships with families who elect to home educate. If parents have concerns or complaints:

1. They should first contact the EHE Officer.
2. If unresolved, or if the complaint involves the EHE Officer, they may contact the Principal Education Attendance Officer.
3. Further escalation can be made via the Council's formal complaints procedure.

The Council will respond to complaints promptly and professionally, aiming to resolve issues collaboratively.

#### 14. Contacts

For advice, support, or to share information about Elective Home Education, please contact:

EHE Officer (EHE): EHE Officer, Turnhams Green, Pincent's Lane, Theale, Reading RG31 4UH, [ehe@westberks.gov.uk](mailto:ehe@westberks.gov.uk)

Principal Education Attendance Officer: Education Attendance & Safeguarding Team, Market Street, Newbury RG14 5LD, [EWSS@westberks.gov.uk](mailto:EWSS@westberks.gov.uk)

SEND Team: SEN Manager, Market Street, Newbury RG14 5LD, [SenTeam@wokingham.gov.uk](mailto:SenTeam@wokingham.gov.uk)

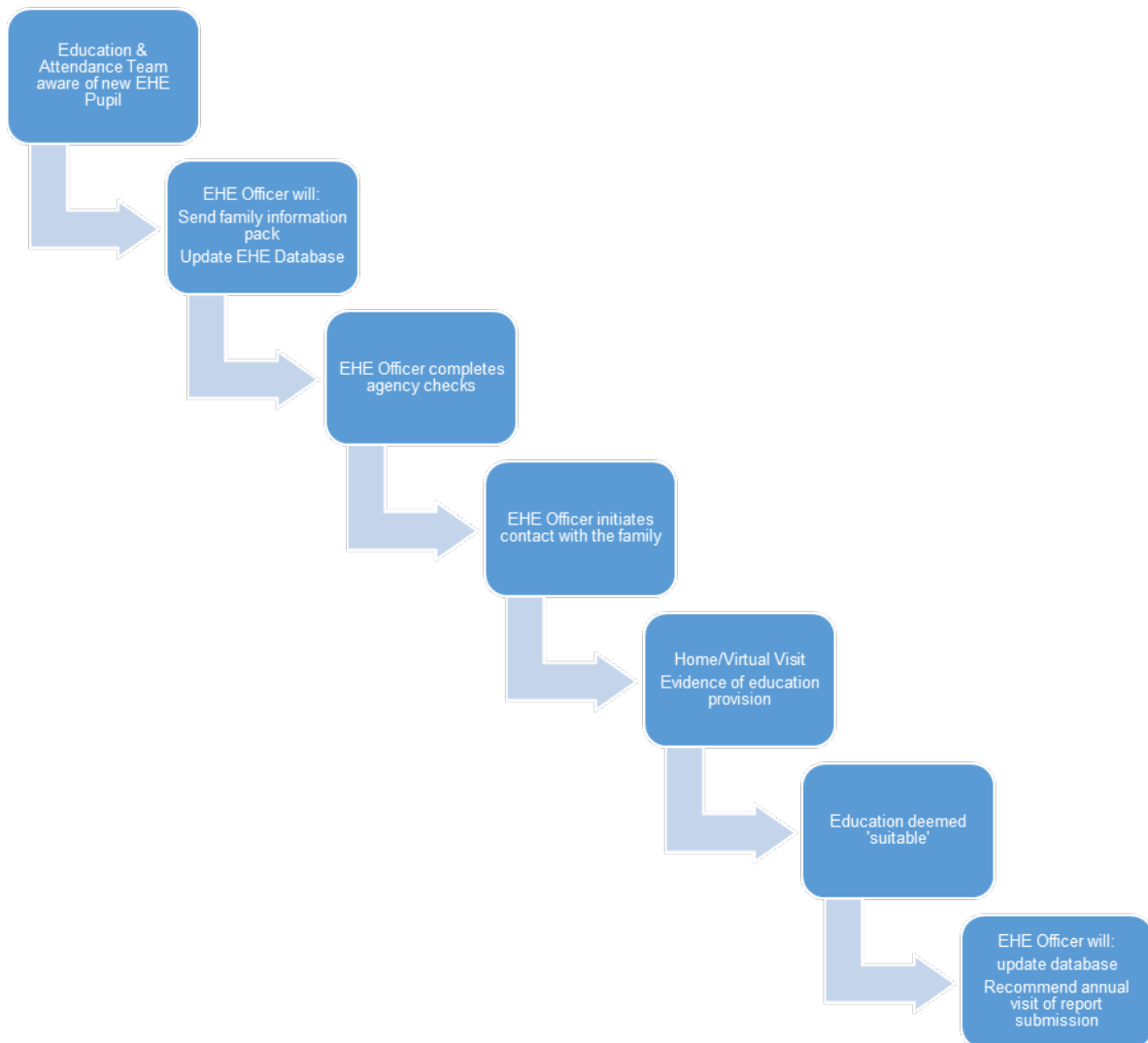
NEET Prevention Team: NEET Officer, Market Street, Newbury RG14 5LD, [Alex.pye@westberks.gov.uk](mailto:Alex.pye@westberks.gov.uk)

Admissions Team: [admissions@westberks.gov.uk](mailto:admissions@westberks.gov.uk)

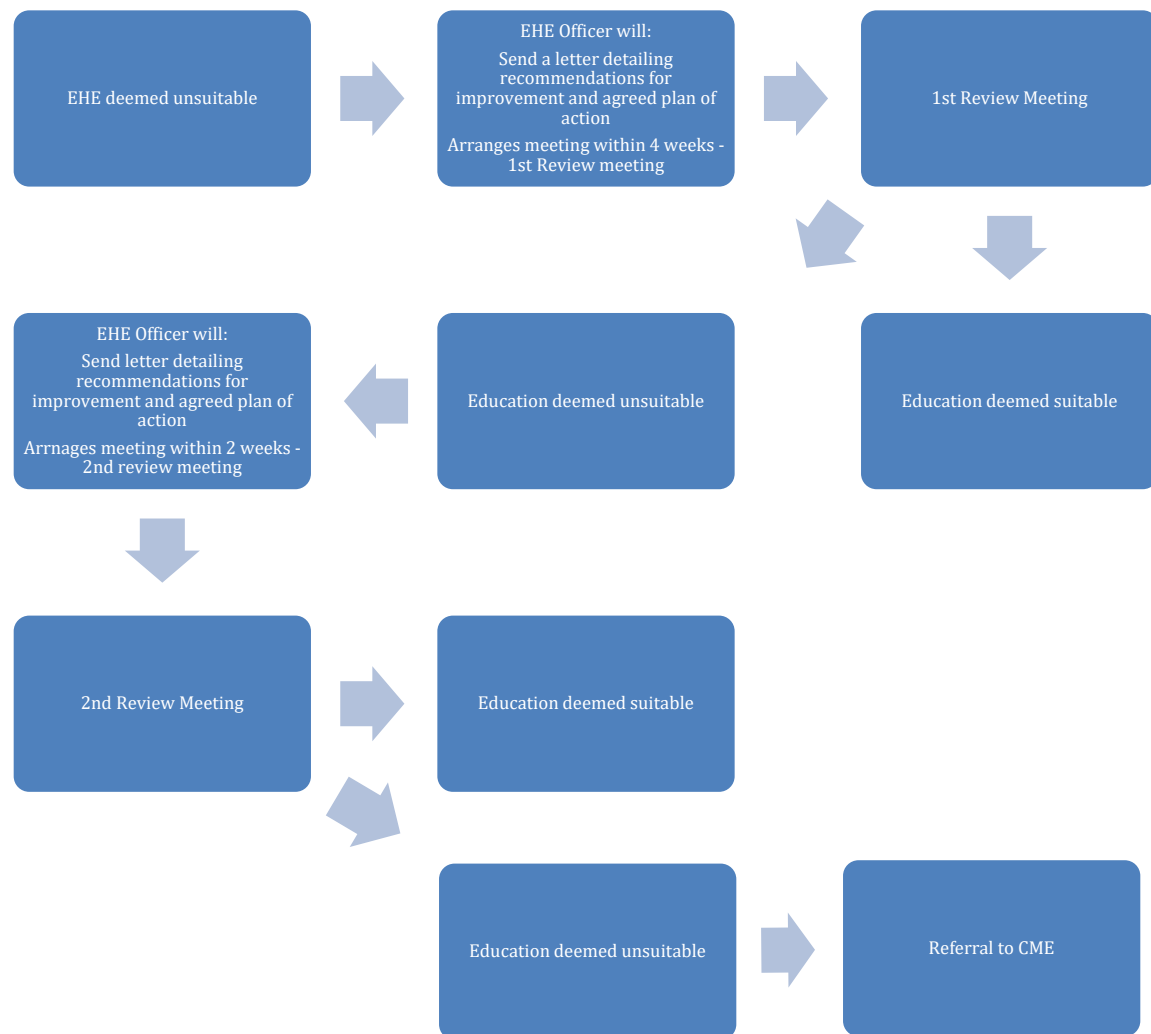
Children's Social Care: <https://www.westberks.gov.uk/CAAS>, ☎ 0118 916 7770

## Appendix 1 – EHE Deemed Suitable

The following flowcharts support the procedures outlined in this policy:



## Appendix 2 – EHE Deemed Unsuitable



### Appendix 3 Children Missing Education Process



## **Appendix 4 – EHE Referral Form**

**[Notification of elective home education \(EHE\) - West Berkshire Council](#)**

## Appendix 5 – Annex A

### Annex A: Grounds for deleting a pupil from the school admission register

#### Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended

1	8(1)(a) - where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school.
2	8(1)(b) - except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school.
3	8(1)(c) - where a pupil is registered at more than one school, and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion.
4	8(1)(d) - in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school.
5	8(1)(e) - except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered.
6	8(1)(f) - in the case of a pupil granted leave of absence in accordance with regulation 7(1A), that — (i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.



7	8(1)(g) - that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age.
8	8(1)(h) - that he has been continuously absent from the school for a period of not less than twenty school days and — (i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2); (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor of the school and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is.
9	8(1)(i) - that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.
10	8(1)(j) - that the pupil has died.
11	8(1)(k) - that the pupil will cease to be of compulsory school age before the school next meets and— (i) the relevant person has indicated that the pupil will cease to attend the school; or (ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.
12	8(1)(l) - in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school.
13	8(1)(m) - that he has been permanently excluded from the school.
14	8(1)(n) - where the pupil has been admitted to the school to receive nursery education, that he has not on completing such education transferred to a reception, or higher, class at the school.
15	8(1)(o) where— (i) the pupil is a boarder at a maintained school or an Academy; (ii) charges for board and lodging are payable by the parent of the pupil; and (iii) those charges remain unpaid by the pupil's parent at the end of the school term to which they relate.