

Elective Home Education Protocol for children with SEND who have an EHC Plan July 2023 (Updated September 2023 and November 2023)

Protocol 1 : This protocol ordinarily relates to children/young people (YP) of compulsory school age whom are on roll with a maintained mainstream academy or school

Elective home education (EHE) is where a parent takes responsibility for their child/**YP's** education outside the school system. Parents have the right to choose to educate their child/YP at home rather than at school.

The Local Authority (LA) has a duty to ensure that children/YP in their area receive a suitable education and must intervene if it appears that this is not happening. The powers of the LA in **discharging this duty and the legal position regarding the LA's role** is complex and is explained in the accompanying [DfE Guidance: Elective Home Education Guidance for Local Authorities](#) - the LA role in regard to SEND EHE students is described in Section 8 pages 26-29.

In LB Redbridge, the Local Authority responsibility is undertaken by the Behaviour and Inclusion team; an officer (Elective Home Education Advisor) is employed to initiate contact and advise the Head of Behaviour and Inclusion whether the children/YP who are educated at home are receiving an education that meets the statutory requirements as outlined in Section 7 of the Education Act 1996.

Once the EHE registration form is received for children/YP with an EHC plan but before it is processed, the EHE Advisor will send the completed EHE form on to the EHCP Co-ordinator so that a discussion with parents and school staff can take place about the reason for opting for EHE studies. This may give the opportunity to resolve school based issues and allow the child/YP to remain on the current school roll.

If EHE studies, is the preferred option, the school in liaison with the SEND Team will set up an exit Annual Review as soon as possible, to determine the viability of the EHE Programme including long term goals. The parental request is considered at the SEND panel and the EHC plan is amended accordingly.

For EHE monitoring contacts, when the child/YP has an Education Healthcare Plan (EHCP), the EHE Advisor may not have the necessary knowledge and experience to make this judgment securely. For all new cases, the LA will arrange for professionals (LBR staff with relevant experience) to review the current educational arrangements. The professionals will be identified or confirmed in consultation with the Education Psychology Service; the officer will be a professional who has the **relevant experience with the child's SEND** and, wherever possible, be someone who already knows the child/YP or has a connection with them. The professional may be for instance:

- Educational Psychologist
- Teacher linked to the previous school
- Specialist Advisory teacher
- Social worker from CWDT

- Representation from the SEND Team
- Representation from the Therapy service

The role of the professional will include:

- Seeking information from the parent about the child/YP's progress and/or needs
- Obtaining the views, wishes and aspirations of the child/YP
- Obtaining the views of the parent
- Making observations about the child/YP
- Enquiring about the provision made for the child/YP
- Where appropriate looking at examples of the child/YP work

The professional will then need to make a judgment as to whether they believe the education provided is suitable, full-time and efficient and share that view with the EHE Advisor. There are no specific criteria on which to base the decision, it is a matter of professional judgment. To some extent it involves comparing the provision with that specified on the EHC plan, but inevitably there will be several ways in which what is provided at home cannot replicate what would be provided in school. It is important to note that the question is not whether the child/YP's **needs** would be better met in school than at home, it is whether the education provided is suitable to the age, ability and aptitude of the child/YP.

In addition to the educational programme on offer, the officers involved should take account of any additional risk factors and safeguarding concerns that may impact or affect the delivery. If there are concerns, then these should be raised via a Multi-Agency Referral Form (MARF) before the agreement to EHE can be progressed.

Some examples of questions to be considered are:

- What are the reasons for requesting EHE?
- Has there been a history or recent background of non-engagement of attendance issues?
- How have parents interacted with the current school setting?
- Is there a reasonable attempt to address all the objectives on the EHC plan?
- Does the parent display an appropriate understanding of the child/YP's needs?
- Is there a reasonable balance in terms of time allocated to different activities and a reasonable allocation of time to the provision as a whole?
- Are the activities motivating and stimulating for the child/YP?
- Is there evidence that the child/YP's experience is positive and non-coercive?
- Is the child/YP making some progress?
- Where necessary does the parent seek specialist advice and support?

The frequency of EHE contacts will vary but the minimum frequency will be annually. At the end of the contact, it should be explained to the parents by the EHE Advisor that the information gathered will be shared with the SEND team. During the contact, the LBR staff may offer advice to the parent on learning or other strategies and include these in the report. If the parent raises a query that requires a specialised response, the EHE Advisor will seek the advice of the Principal Acting Educational Psychologist, if the contact is completed just with the parent.

If the child has an EHC Plan, the LA has a responsibility to arrange an annual review of the EHC plan. This will be set up by the EHCP Co-ordinator; it will involve the relevant professionals to whom the child YP and family are known.

Protocol 2 : This protocol ordinarily relates to children of compulsory school age whom are on roll with a Special school

1. An EHE Registration form is completed by parents to confirm their wish to opt for EHE studies.
2. The EHE form is passed to the EHCP Co-ordinator. No further action is taken by the EHE team.
3. The EHCP Co-ordinator contacts the family to confirm the request and to ask the family to submit information ready for SEND Panel consideration.
4. During this time span, the child/YP is expected to attend their current Special School placement.
5. Once the Local Authority decision is made, this information is shared with relevant professionals.
6. The outcome is shared with family and EHE team so that EHE monitoring contact can be set up as outlined above, if the decision to provide EHE studies is granted.

Protocol 3 : This protocol relates to children of compulsory school age whom are on roll with a maintained mainstream school/academy or a Special School and wish to opt for a flexi-school placement

In LBR, the Local Authority believes that the continuity of placement is key to providing a full time, suitable education for each child/YP. Flexi-schooling arrangements are only considered as a temporary option with a view to full-time attendance at school within the current academic term at this current time. This position may be reviewed if further National Guidance is published.

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[Updated with additional comments 14.9.23 and 14.11.23 following a meeting with EPS and the Head of Behaviour and Inclusion]