

# **Kent County Council Elective Home Education Policy and Procedure**

**September 2024 update**

This follows the 2019 release of the Department for Education Publications:

**Elective Home Education Departmental Guidance for Local authorities**

And

**Elective Home Education Departmental Guidance for Parents**



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## 1.Introduction

1.1 Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents<sup>1</sup> at home, rather than providing education for their children by sending them to school. This is different to home tuition provided by a Local Authority or education provided by a Local Authority other than at a school. It is recognised that parents may choose home education for a variety of reasons and deliver it in a variety of ways.

1.2 This document sets out our recently reviewed policy and procedures to enable Kent County Council (KCC) to comply with its duties towards children and young people living in Kent whose parents have elected to educate them otherwise than at school. It is published for parents, schools and other agencies with an interest in elective home education.

## 2.Policy Statement

The DfE “Elective Home Education Guidelines for Local Authorities”, published in April 2019, emphasises the importance of Local Authorities building effective relationships with home educators that function to safeguard the educational interests of children and young people: to ensure relationships are rooted in genuine mutual understanding, trust and respect.

This revised policy seeks to build improved relationships with home educators and provide a means to effectively protect the educational and safeguarding interests of children being electively home educated where vulnerabilities are identified.

## 3.The Law relating to Elective Home Education

3.1 The definition within section 7 of the Education Act 1996 provides that:

*” The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable-*

*(a) to his age, ability and aptitude, and*

*(b) to any special educational needs he may have, either by regular attendance at school or otherwise.”*

3.2 There is no legal definition of what constitutes a “full-time” education. Measurement of “contact time” in this way is not relevant in the context of elective home education, where the child often has continuous one to one contact with the educator and the types of educational activity which the child follows may be varied and flexible. European Convention on Human Rights (ECHR) Article 2 of Protocol 1 confers the fundamental right to an effective education, and relevant case law<sup>2</sup> also confers very broad discretion on the state in how this is to be implemented. For example, a local authority may specify requirements as to effectiveness in such matters as literacy and numeracy, in deciding whether education is suitable, whilst accepting that these must be applied in relation to the individual child’s ability and aptitudes<sup>3</sup>.

3.3 Compulsory school age begins on the next prescribed day following a child’s fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August each year. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach the age of sixteen.

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<sup>1</sup> The term “parent”, unless the context otherwise requires, in relation to a child or young person, includes any person -

(a) who is not a parent of his but who has parental responsibility for him, or

(b) who has care of him, except that in [section 499(8), Education Act 1996] it only includes such a person if he is an individual.

<sup>2</sup> Eg *Konrad v Germany* (2006) European Court of Human Rights app. 35504/03

<sup>3</sup> DfE Elective Home Education Departmental Guidance for Local Authorities page 31

#### 4. Parental Rights, Responsibilities and Considerations

4.1 Parents have a legal right to educate their child at home and are not required to have any qualifications or training to provide their children with a suitable education. The 1996 Education Act makes clear that it is a parent's duty to ensure child receives suitable education in accordance with section 7<sup>1</sup>. In addition, the Act provides that, generally, children are to be educated in accordance with the wishes of their parents.

4.2 Parents are not required to inform KCC that they intend to elect or have elected to home educate. They are not required to seek approval from the Local Authority, unless the child has an Education Health Care Plan and attends a special school (4.3 a).

4.3 Parents whose child is enrolled at a school are advised to write to the Headteacher to inform them that they elect to home educate, unless:

- a) the school is a special school named on the child's Education, Health & Care Plan, in which case parents are required to seek approval from KCC first.
- b) (b) where a child is enrolled at a school in accordance with a school attendance order when the authority must revoke the order (or amend it to replace the school with a different school) before the child can be removed from the roll.

Parents whose child is not enrolled at a school have no obligation to inform KCC that they are home educating their child, however the Local Authority encourages contact with all home educating families and may make enquiries with the parents.

4.4 Although parents must provide education in accordance with section 7, (see paragraph 3.1 above), the type of educational activity can be varied and flexible.

Recommendations parents may consider, but are not required to:

- teach the National 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 completed by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school based, age specific standards

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<sup>1</sup> Section 7 of the 1996 Act requires parents to provide an efficient, full time education suitable to the age, ability and aptitude of the child and any special educational needs which the child may have

4.5 Parents may arrange for other people to tutor their child, though parents themselves continue to be responsible for the education provided. It is recommended that parents ensure that such people are qualified and suitable, including Disclosure and Barring Service (DBS) checks.

4.6 Parents who elect to home-educate assume full financial responsibility for their child's education, including the costs of private tuition, courses and public examinations. However, colleges can claim the cost of course fees directly from the Education Skills Funding Agency on an individual basis for home educated young people under 16, when parents and colleges are able to reach suitable individual arrangements. These individual arrangements are not brokered through the Local Authority but directly between parents and colleges.

## 5. The Local Authority's Responsibilities

Kent County Council is supportive of parents who opt to educate their child at home. Ultimately it wishes to see every child reach their full potential and be available for parents who share this aim and have chosen to approach it through home education.

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

*No person shall be denied the right to an 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 conviction.*

5.1 KCC has a statutory duty, under section 436A of the Education Act 1996 to make arrangements to enable them to establish (so far as it is possible) the identities of children in their area who are not receiving a suitable education. This duty applies to all children of compulsory school age who are not on a school roll and do not appear to be receiving a suitable education other than being at school.

5.2 It is appropriate that parents and children choose a type of education that is right for them. It is equally important that EHE officers understand and are supportive of the many differing approaches or "ways of educating" which are all feasible and legally valid. The role of the EHE Team is to respond to concerns that a child is not receiving suitable education for his or her age, ability and aptitude and, where appropriate, to provide support and information for parents. It is not the role of the EHE Team to tell parents how to educate their children.

Where there is ambiguity in making a judgement defining the suitability of the education, Kent will refer to the UN Convention of the Rights of the Child. Article 28 & 29 and as a minimum will expect to see evidence of literacy and numeracy progress.

In 2001 the **Committee on the Rights of the Child**, the body of experts that monitors the implementation of the Convention, published a paper (called a General Comment) that explains and elaborates on the right to an education.

General Comment 1 - Annex 9 states:

'article 29 (1) underlines the individual and subjective right to a specific quality of education'.

Education must include not only literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner and develop a

healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents and other abilities which give children the tools needed to pursue their life options.

(Kent acknowledge that the **UN Convention of the Rights of the Child** must be seen as a whole and that articles 28 and 29 should not be looked at or considered in isolation).

5.3 A further statutory duty exists, which requires KCC to serve a formal notice under section 437 of the Education Act 1996, if it appears that a child of compulsory school age is not receiving a suitable education. The formal notice requires the parent to satisfy the Local Authority that the child is in fact receiving suitable education. If the Local Authority does not accept the evidence and is not satisfied that the child is receiving a suitable education, it has the power to commence the statutory process for the issue of a School Attendance Order ('SAO') requiring the parent to register the child at a named school.

5.4 The Local Authority has no legal power or duty to monitor home education on a routine basis although the local authority will make enquiries if it is not clear that a child is receiving suitable education. The Local Authority sees its role in relation to home education as part of its wider responsibilities, including safeguarding, to all the children in its area.

## **6. Responsibilities of Schools in Kent**

6.1 There is no legal requirement for parents to discuss home education with the school, however if a parent does approach the school to discuss the possibility of home educating, KCC expects the school to respond positively and constructively. If parents are considering home education because of a dispute with the school, the Local Authority expects the school to take all necessary steps to resolve the issue. The school should signpost the parent to the EHE service for further advice and guidance to enable them to make an informed choice. A school's response to parent's requests to EHE is likely to be scrutinised by the Local Authority. It will capture data of this nature and share it with education partners including Ofsted as necessary.

6.2 Departmental guidance for local authorities April 2019 (10.4) make it explicit that:

*'Schools should not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the relevant legislation and have regard to the statutory guidance. If the pupil has a poor attendance record, the school and, if appropriate, local authority should seek to address the issues behind the absenteeism and use the other remedies available to them.'*

The Local Authority will contact electively home-educating parents who remove their child from a school roll. If it is found that a parent has been 'encouraged' by a school to remove their child from roll for the purposes of elective home education, this will be challenged, and the child reinstated on roll when appropriate with parental consent, whether the vacant place has been filled or not.

When a parent reports that they have been encouraged to remove their child from roll for the purposes of elective home education and then finds that they are unable to cope with the commitment, the expectation is that the Fair Access Panel will name the previous school for placement, this does not negate the parents right to apply and appeal for a place of their preference alongside this process, where a parent considers the relationship with the 'home school' has broken down.

6.3 When a school receives formal, written notice from a parent, that a child is being withdrawn from school in order to be home-educated and the child has ceased to attend the school, the

Headteacher should ensure that the pupil's name is removed promptly from the admissions register in accordance with Education (Pupil Registration) (England) (Amendment) Regulations 2016. Section 5, paragraph 6:

*“where the name of a pupil is to be deleted from the admission register, the proprietor must make a return to the local authority for that pupil as soon as the ground for deletion under regulation 8 is met in relation to that pupil, and in any event no later than the time at which the pupil's name is deleted from the register.”*

6.4 In practice in order to comply with the Regulations, the school must inform KCC of any child leaving school as soon as a school removes a child from the school register, this is actioned through KCC Digital Front Door. This enables KCC to complete timely checks on children known to the service and address any risks identified. In the interests of the family, recommended good practice would be for the school to allow a period of 10 school days after deletion of the name from the school register, for the parents to reflect on their decision having sought further advice and support and to change their mind if they so wish.

6.5 The school is responsible for raising any safeguarding concerns relating to a child directly with KCC Integrated Children's Services as soon as possible. Home Education is not, in itself, a safeguarding concern.

6.6 The school must retain the child's school file. Parents can request a copy of this file from the school to assist them in planning their child's education.

## **7. Elective Home Education and Safeguarding**

7.1 The welfare and protection of all children, both those who attend school and those who are educated at home, is of paramount concern and the responsibility of the whole community. Section 175 of the Education Act 2002 imposes a duty on the Local Authority to make arrangements for ensuring that the functions conferred on them are exercised with a view to safeguarding and promoting the welfare of all children resident in Kent.

7.2 The EHE Team will follow Kent Safeguarding Children Multi-Agency Partnership (KSCMP) safeguarding procedures at all times and work with relevant agencies and individuals to proactively safeguard and promote the welfare of children and, in the event of any concerns about the welfare of a home educated child, initiate and follow established procedures. Children's services will work collaboratively to proactively safeguard and promote the welfare of children and in the event of any concerns about the welfare of a home educated child, initiate and follow through established safeguarding procedures, which will include sharing information with GPs, health visitors and other health professionals in the interest of a child or young person.

7.3 The EHE Support and Advice Officer will liaise with Kent's Integrated Children's Services on those occasions where there is uncertainty about the welfare of a child or young person. The EHE Support and Advice Officer will explain the reasons for any welfare concerns to the parents in accordance with referral procedure.

7.4 KCC acknowledge that parents can decide to EHE at any time; however it considers that where a child is made subject to a Child Protection plan, currently subject to a child protection plan, or is child in need, the conference chair/ chair of the child in need meeting will make clear that if the parent/carer has already declared EHE, or states an intention to do so, the risk will be re-considered in light of this information with the likelihood that the child could be considered unsafe as a consequence.

On receipt of a declaration to EHE, the Conference Chair (CP) or the Team Manager or the CIN Review Chair will:

- If necessary, ensure the plan is changed or reviewed to protect the child at the next Child Protection Conference, Core Group or Child in Need meeting. • Consider if a strategy discussion is required
- Outline what harm is likely.
- Assess the risk to the child, to include health and well-being and record how the risk is increased as a result of continuing to or starting to educate the child at home and record this within the minutes of the meeting.
- Assess the family's EHE Outline Plan.
- Consult with education colleagues and the previous school.
- Amend the plan to reflect the necessary actions that need to be taken, which may include the referral to Fair Access to identify a school place.

Where education provision is not immediately available, or the risk assessment indicates that EHE is acceptable, the above professionals and allocated social worker will ensure that the plan will include increased home visits to regularly check that the child is safe whilst not in education and that annual visits from the EHE team will form part of any future agreement with the family should the case be 'stepped down'.

## **8. Support, Guidance and Resources Provided by Kent County Council**

8.1 Kent County Council embraces diversity and respects individual choice. The EHE Team recognises that parents of all educational, social, racial, religious and ethnic backgrounds successfully educate children outside the school setting.

8.2 The Elective Home Education Support and Advice Officers will provide support in the form of:

1. Signposting parents to resources and services, discussing methods and philosophies, networking and advising on examinations.
2. Publishing information about EHE that is clear, accurate and sets out the legal position, roles and responsibilities of both the Local Authority and parents.
3. Discussing the implications of EHE with parents before they make the decision to leave or enter the school system.
4. Producing and distributing accurate written records of meetings with home educating parents and children.
5. Promoting positive relationships with elective home education families based on mutual understanding, respect and trust in order to safeguard the educational interest of children.
6. Referring to other agencies, such as Children's Integrated Services and school nursing for support.
7. Seek to mediate between schools and potential EHE families when the relationship has broken down and parents feel obliged to withdraw their child.
8. Offer financial support with core Maths & English GCSEs for families who meet the criteria<sup>2</sup>

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<sup>2</sup> Would meet the criteria for free school meals if they are on a school roll, have been home educating for 2 full consecutive years, which include Years 10 & 11 and who have provided evidence to the LA that the child is working to the exam syllabus

## 9. Kent County Council's EHE Procedures

### 9.1 Administration

Within 10 school days of confirmation from a school via the Digital Front Door, or directly from a parent, that a child is being home educated, the EHE team will:

Update the pupil record to reflect home education.

Upload the Parents withdrawal letter (clearly stating they have elected to home educate their child), and the DFD EHE off-rolling notification, (EHE1 form)

Check Kent's Children's Integrated Services database to identify if the child is subject to an Early Help Assessment, Child in Need, or Child Protection Plan (open or closed).

Request information from school, including completion of the EHE1 form to confirm off roll procedures are followed correctly.

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Check for siblings

Send a letter acknowledging the parent's intention to Home Educate, introducing the parent to their assigned EHE Support and Advice Officer.

*Enclose:            A copy of the 'Home Education Information sheet for Parents'  
                          EHE Privacy Statement  
                          An "EHE Outline Plan" form, which will provide an initial overview of the parent's plan*

The team will collate data which will identify any trends or patterns regarding children who are removed from a school roll to home educate and highlight any perceived unlawful practices by schools and report to the Headteacher in the first instance, and collectively in the Annual Report to the Schools Adjudicator.

#### **Notes:**

- a) EHE registrations will not be processed for Year 6 Children in term 6 of the academic year. These children will be recorded as CME until it is confirmed they have taken up the place offered at Secondary school in September; unless the parent has confirmed they will be home educating in Year 7 and have formally declined the Secondary school place, allowing the school to offer the place to those on the waiting list.
- b) EHE registrations will not be processed for Year 11 Children from the end of term 5. These pupils will be recorded as Not in Education, Employment or Training. These pupils are no longer statutory school age.
- c) EHE registrations will not be processed for children who have returned to school following a School Attendance Order, and/or where they were returned to school through the Local Authority. These children will be recorded as Children Missing Education, unless there is evidence of a substantive change in circumstances.

### 9.2 EHE Support and Advice Officer – Contact

The EHE Support and Advice Officer will make contact with the parent within 20 school days to offer an initial discussion regarding the proposed plan for the child's education at home and signpost the parent to resources and local groups.

The aim of the discussion will be to initiate a positive and constructive relationship with parents. Parents may exercise their right not to allow the Local Authority access to the home, the child, or the child's work.

DfE guidance for local authorities April 10 (6.5) states:

*'Parents are under no duty to respond to such enquiries, but if a parent does not respond, or responds without providing any information about the child's education, then it will normally be justifiable for the authority to conclude that the child does not appear to be receiving suitable education and it should not hesitate to do so and take the necessary consequent steps. This is confirmed by relevant case law'<sup>3</sup>*

Parents are not obliged to accept a visit from the Local Authority; however, they are encouraged to do so, and a meeting can be held at a mutually convenient time and place if the family prefer not to hold the visit in their home.

### 9.3 The EHE Support and Advice Officer - Visit request:

The parent may exercise their right not to allow the Local Authority access to the home, the child, or the child's work.

Where one or more of the conditions set out below are met, KCC will invite every family who elect to home educate to participate in a meeting with an EHE Support & Advice Officer, the parent and the child, at a mutually convenient time and place, within 20 school days of receipt of the referral (or sooner if concerns are held or parents request an early visit).

- a) *The child has a history of persistent unauthorised absence ( =15% or higher).*
- b) *The child has a record of poor attainment in school as measured by progression in performance using prior attainment and National Curriculum Test Results as the basis for the assessment.*
- c) *The child has been previously permanently excluded or has been subject to one or more fixed term exclusions.*
- d) *The child has had current or historic involvement with Integrated Children's Services.*
- e) *The child holds an Education Health & Care Plan*

Where family vulnerabilities are identified and where appropriate the EHE Support & Advice Offer can offer a variety of support options available from Kent's Integrated Children's Services to the family.

Where the criteria for a visit applies and the EHE Support and Advice Officer has agreed an appointment with the parent, for a mutually convenient time, date and venue; following two unsuccessful attempts to meet with the family, the process set out in 10.1, will be initiated and the parent will have the opportunity during this process to provide evidence of their child's education.

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<sup>3</sup> *Phillips v Brown* [1980] Lexis Citation 1003

9.4 When the above criteria does not apply and parents decline the offer of a home visit, the EHE Team will request information about the education being provided (parents do not have a legal obligation to provide this) and will maintain contact in order to confirm that education continues successfully and to offer support. The EHE Support & Advice Officer will also offer phone or email contact.

9.5 Following a visit, the EHE Support & Advice Officer will:

- Arrange the next contact with parents, send a copy of the visit record to the parent, allowing them the opportunity to ratify/amend the summary before it goes on file and update the case record.
- Send the completed visit record to the SEND Case Officer and/or Social Worker (where appropriate).

9.6 The frequency and format of meetings will be determined by factors such as the EHE Support & Advice Officer or the parent identifying concerns about the child's progress and education. Where education is suitable the EHE Support & Advice Officer and parent/s will agree on future contact.

## **10. Where formal notice is required:**

Where no other information suggests that the child is being suitably educated, because there is no information provided, and where the parents have refused to respond to the LA, the only conclusion which an authority can reasonably come to, is that the home education does not appear to be suitable.

10.1 Where it appears to the EHE Support & Advice Officer that a suitable education is not taking place, reasonable steps to resolve the situation will be taken by KCC before the SAO statutory process is commenced:

- A letter outlining the concerns will be sent to the parents, specifying grounds for concerns and identifying reasons to conclude that the provision is unsuitable.
- Allow the parent the opportunity to address the identified issues and recommendations for improvements within a mutually agreed timescale (no longer than six weeks, equating to one school term). These should be discussed and agreed with the parent and confirmed in writing within the EHE Support & Advice Officer's case record. Parents must satisfy the Council, that their child is receiving education suitable to his/her age, ability and aptitude and to any special educational needs he/she may have.
- A referral to Integrated Children's Services service will be offered to help support the family, where safeguarding or family support needs have been identified.
- After the agreed timescale for improvement, if the education is still believed to be unsuitable, the EHE & CME Co-ordinator will issue a formal notice under section 437 of the Education Act 1996. If Kent County Council continues to be dissatisfied with the education being provided, the statutory process for issuing a School Attendance Order will commence.

This notice indicates the Local Authority's intention to formally order the parent to register the child at a school. It will identify school(s) the Local Authority deems suitable and allow the parent 15 days to propose alternatives. If the parent does not respond, or does not make satisfactory arrangements elsewhere, the Local Authority may issue a SAO in accordance with its stated intention.

Failure to comply with a SAO is a criminal offence for which the parent(s) can be issued with a penalty notice or prosecuted in the Magistrates' Court.

10.2 At any stage following the issue of a SAO, parents may present evidence to the Local Authority that they are now providing suitable education and apply to have the Order revoked. If this is refused, parents can choose to refer the matter to the Secretary of State for Education. If as a last resort, the Local Authority prosecutes parents for failure to comply with a SAO, the parents may be acquitted if they can prove that the child was receiving a suitable education otherwise than at school at the time of the offence. If the parents are acquitted, the court may direct that the SAO shall cease to be in force.

10.3 If it transpires information has been deliberately withheld from the Local Authority, and the parent is easily able to satisfy the court. KCC will 'seek legal advice about the prospect of obtaining a costs order against a successful defendant on the basis that the prosecution would have been unnecessary if not for the defendants' unreasonable conduct'.<sup>4</sup>

In cases where the EHE Support & Advice Officer is unable to contact a family, the record will be closed to EHE and opened as a CME. This role discharges the Local Authority's duty to children missing education.

## **11.0 Elective Home Education and Special Needs in Kent**

Parents' right to educate their child at home applies equally where a child has an Education, Health and Care (EHC) plan. Parents of any child subject to the statutory provisions of an EHC Plan (or Statement) who are considering whether to make their own arrangements should discuss this with their child's school SENCO and or the named SEN Caseworker to ensure that they are fully aware of alternatives (amended provision and/or change of placement) and their SEN statutory rights of appeal.

Parents considering to Electively Home Educate may wish to familiarise themselves with paragraphs 10.30 to 10.38 of the SEND Code of Practice January 2015.

11.1 Parents' right to educate their child at home applies equally where a child has an Education, Health and Care (EHC) plan. Under Section 42 of the Children and Families Act (2014) the Local Authority is responsible for securing the specified special education provision within a child's Education Health and Care Plan, (EHCP), however this only applies if the child's parents have not

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<sup>4</sup> EHE Departmental guidance for local Authorities 6.19

arranged a suitable education in some other way.<sup>5</sup> Therefore if the home education is suitable the local authority has no duty to arrange any special educational provision for the child.

11.2 Where a child or young person is a registered pupil the parent **must** notify the school in writing that the child or young person is receiving education otherwise than at school and the school **must** then remove the pupil's name from the admission register. However, the school should be minded that while they are named on the EHCP section 66 of the Children and Families act, imposes a duty on the appropriate authority<sup>6</sup> to 'use its best endeavours to ensure that the special educational needs are met'.

If the school is a special school, the local authority **must** give consent for the child's name to be removed, but this should not be a lengthy or complex process. There is no provision in law for a 'trial period' of home education.<sup>7</sup>

11.3 Where a child or young person is a registered pupil and the parent decides to home educate, Schools/academies should as good practice, call an early review as soon as they are aware the parent's intention.

The Local Authority has a duty to review Education, Health and Care (EHC) plans annually, following procedures set out in the '**SEND code of practice: 0 to 25 years**'. Annual Review meetings for electively home educated children will be convened and chaired by the SEN Casework Officer, parents are welcome to be present during the review, but they are not obliged to do so.

11.4 In order to assess whether home provision is suitable for the special education needs of the child, parents will be asked to provide information regarding the home education provision. The Local Authority will only be relieved of its duty to arrange the provision specified in the child's EHC plan if it is satisfied that the parents' arrangements are suitable.

11.5 If the Local Authority is satisfied with the parents' arrangements it will continue to have a duty to maintain and review the EHC plan annually until:

it decides to cease the EHC plan; or the EHC plan is transferred to another Local Authority.

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11.6 In cases where local authorities and parents agree that home education is the right provision for a child or young person with an EHC plan, the plan should make clear that the child or young person will be educated at home.

11.7 Where it appears to the Local Authority that a child is not receiving education suitable to age, ability and aptitude and SEN, the procedures set out in 10.1 will be followed. If the EHC plan remains in place, it will be maintained and reviewed annually and amended where appropriate.

11.8 A parent who is educating their child at home may ask the Local Authority to carry out a statutory assessment of their child's special educational needs and the Local Authority will consider the request within the same statutory timescales and in the same way as for all other requests.

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<sup>5</sup> section 66 CFA 2014 -in the case of a maintained school, maintained nursery school or institution within the further education sector, the governing body;

<sup>6</sup> Section 42 CAF 2014 (5) Subsections (2) and (3) do not apply if the child's parent or the young person has made suitable alternative arrangements.

<sup>7</sup> 10.33 SEN Code of Practice 2015

## 12.0 Kent County Council EHE service

11.1 EHE Officers must ensure that all reasonable care is taken to ensure their safety, be advised by any risk assessment information and report any concerns over health, welfare and safety issues to their manager in the first instant. They will adhere to all elements of KCC Lone Working Policy consistently.

### Review and Evaluation

This policy and procedure will be reviewed in Autumn 2026, or as required should legislative amendments be realised. Consultation with home educators will take place in the event the review identifies the need for significant changes to policy or procedure. The voice of parents and children/young people, through the EHE service, also informs developments. Kent County Council is committed to securing an effective partnership with home educators based on respect, consent (within the parameters of safeguarding legislation) and with the best interest and rights of the child at the centre.

### References

- Education Act 1996 - [Education Act 1996](#)
- Education Act 2002 - [Education Act 2002](#)
- Special Educational Needs Code of Practice 2015 - [Special Educational Needs Code of Practice 2015](#)
- The Education (Pupil Registration) (England) (Amendment) Regulations 2016 - [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2016](#)
- The Education (Pupil Registration) (England) Regulations 2006 - [The Education \(Pupil Registration\) \(England\) Regulations 2006](#)
- DFE EHE guidance for Parents and Local Authorities - [DFE EHE guidance for Parents and Local Authorities](#)
- European Court of Human Rights Article 2 Amended 2 April 2019 - [European Court of Human Rights Article 2 Amended 2 April 2019](#)
- UNRC Convention on the Rights of the Child - [UNRC Convention on the Rights of the Child-rights-convention](#)
- Committee on the Rights of the Child - [Committee on the Rights of the Child](#)
- Education (Pupil Registration) (England) Regulations 2006 - [Education \(Pupil Registration\) \(England\) Regulations 2006](#)
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