



Llywodraeth Cymru  
Welsh Government

# Elective Home Education

# Purpose of the EHE guidance

If a child is home educated, there is an obligation on parents to cause their child to receive an 'efficient' and 'suitable' full-time education (**section 7 of the Education Act 1996**).

The guidance is to support local authorities in their duties under **section 436A of the Education Act 1996** – which requires them to make arrangements to establish the identities of children in their area who are of compulsory school age who are not registered learners at a school and are not receiving suitable education otherwise than at a school

## The guidance does:

- ✓ Recognises that parents can choose to home educate their children and respects their views and philosophies
- ✓ Allow flexibility for home-educating families
- ✓ Provide additional support for home-educated children and their families
- ✓ Recognise that home educated children are not at greater risk of safeguarding issues than those educated at school
- ✓ Uphold children's rights under UNCRC and give them an opportunity to have their say
- ✓ Support LAs in carrying out statutory duties

## The guidance does NOT:

- ✗ Prescribe teaching and learning for EHE children
- ✗ Impose mandatory meetings on parents and children
- ✗ Monitor safeguarding
- ✗ Hold EHE to a different standard to maintained education

# Why is the guidance statutory?

- To balance the decisions of parents to home educate with the absolute right of children to receive a suitable education
- To ensure that the decision to home educate is a positive choice by families (we know that this isn't the case for all home educated learners)
- To support local authorities (LAs) in their duty to identify children and young people not receiving a suitable education, and on assessing the suitability of home education
- In response to request by LAs, NISB and CCfW for more robust guidance

# Legislation

- **The Education Act 1996, section 7:** The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable:
  - (a) to his age, ability, aptitude, and (b) to any special educational needs ... he may have either by regular attendance at school or otherwise.
- **The Education Act 1996, section 436a:** A local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but:
  - (a) are not registered pupils at a school, and
  - (b) are not receiving suitable education otherwise than at a school.
- **The Human Rights Act 1998, Article 2 (Protocol 1):** No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.
- **The United Nations Convention on the Rights of the Child ([UNCRC](#)) (Article 12):** “every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.”

# What is a suitable and efficient education?

In addition to section 7 of the Education Act 1996 which sets out what is a suitable education, the EHE guidance states:

- A suitable education would include provision in numeracy, literacy and language skills, suitable to the child's age, ability and aptitude and to any SEN/ALN the child may have.
- Suitable education is not simply a matter of academic learning but should also involve socialisation. These are essential in preparing the child to participate and function in society (EHE guidance, 4.15, 4.16)

According to case law, the content of the provision must be suitable such that it:

“equips a child for life within the community of which he is a member....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.”

*(R v Secretary of State for Education, ex parte Talmud Torah Machzikei Hadass School Trust, The Times, 12th April 1985)*

# Determining suitability / LAs meeting their legal duties

## Welsh Government acknowledges that:

- There is no requirement for parents to follow the curriculum for Wales, or any curriculum; teaching and learning can be aligned to parents' own philosophies and beliefs.
- School-based approaches may not be relevant for some home educating families, and home education provision can be unconventional.

## The guidance clarifies that:

- Assessing the suitability of education should not be about measuring the child's attainment or testing the child.
- LAs need to be assured the parental provision of education will cause the child to receive a 'suitable' education.
- The evidence provided by parents should demonstrate that the education actually being provided is suitable and not simply a statement of intent.

# Seeing the child

- All children have a right to participate in decision making that affects their lives and their views should be given due weight as per Article 12 of the UNCRC. This will help the local authority to meaningfully take into account the views of the child when making a judgement as to the suitability of education.
- Seeing and communicating with the child provides an opportunity for the local authority to better understand how the child learns and what areas of learning they are interested in.
- It provides an opportunity for home educated children to share their views on the education they are receiving. That opinion might be part of the information leading to a conclusion by the authority that the education is not suitable.
- In the absence of seeing and communicating with the child, it will be questionable whether the local authority can reasonably assess suitability of education and to know if evidence provided by the parent relates to that child. For example, whether the evidence provided can reasonably be said to have been produced by that child or be about that child.

**The United Nations Convention on the Rights of the Child ([UNCRC](#)) - “every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.”  
(Article 12).**

# Failing to provide a suitable education

- The guidance places an expectation on local authorities to work with and engage with families and to provide necessary support guidance and access to relevant services.
- The local authority is expected to make all reasonable efforts to provide help and/or support to the family
- If the local authority is *not* reassured that a suitable education is being provided, due to, for example, a lack of information provided, the local authority will continue to engage with the family to provide that information.
- If the local authority, having made all reasonable attempts through discussions with the parent, remains unsatisfied that the education provided is suitable and efficient, they will follow formal processes outlined in legislation.
- There will be an opportunity for parents to contest the findings of the Local Authority in court if they disagree.



# Assessing suitability of education in schools

## Requirements in maintained schools:

- LAs and governing bodies are responsible for performance and education provision in schools. This is overseen by Estyn which uses learner voice, examples of work as part of the inspection processes.
- Learner voice is a fundamental part of school life. Since 2005, all schools in Wales have been required by law to have a school council to ensure that learners in schools have a say in matters that directly affect them.
- Curriculum for Wales and assessment processes set standard and expectations

# EHE Handbook

- The handbook provides advice and guidance to home educators, and those who may be considering home education.
- We recognise that not everyone may be aware of what support or information is available.
- The handbook includes key information for parents and carers at any stage of home education.

## The handbook includes information on:

Rights and responsibilities

Educational and examination support

ALN

Youth services

Family information service

Careers advice

Internet safety

Educational trips and resources

LA support

Children's advocacy

Health services

Mediation

# Support from Local Authorities

For home educated children, the EHE guidance helps to ensure that they are supported to access services and benefits available to children in mainstream education, including the following statutory duties:

- **LA support to determine whether a child has ALN (additional learning needs).**
- **Referrals for child to access counselling.**
- **Access to youth support services**
- **Access to Careers Wales**

**A wider package of support for home educating families (as a result of consultation feedback) has also been agreed with individual local authorities. In addition to the above it includes:**

- Opportunities to sit examinations in a local centre.
- Enhanced access to libraries (to borrow more books).
- A local offer, which comprises a bespoke local activity offer and allocation of consumable materials, where any home educating grant funding permits.
- Access to Cadw sites.
- Signposting to Welsh language support

# Additional Learning Needs

## The guidance clarifies that:

- local authorities should look at provision on a case-by-case basis
- home education is unique for each child and parents are able to offer their child an individually tailored experience, suitable to the child's age, ability and aptitude and to any SEN/ALN the child may have.

## The ALN system places a duty on local authorities to provide impartial information and advice about ALN / the ALN system

**Additional Learning Needs and Education Tribunal (Wales) Act, section 13:** Parents and carers of a home educated child who does not have an IDP or statement of SEN may ask the local authority to decide whether their child has an additional learning need (ALN).

**Additional Learning Needs Code for Wales 2021, paragraphs 18.21 to 18.23:**

The ALP could be provided by the parent or carer home educating the child. However, the local authority must ensure that the ALP is being delivered.

**Section 14 of 'the Act':** If the local authority decides that the child has ALN, it must prepare and maintain an IDP for the child and secure the ALP described in that plan.