**Children and young people with SEN educated at home**

10.30 Under Section 7 of the Education Act 1996 parents have the right to educate children, including children with SEN, at home. Home education **must** be suitable to the child’s age, ability, aptitude and SEN. Local authorities should work in partnership with, and support, parents to ensure that the SEN of these children are met where the local authority already knows the children have SEN or the parents have drawn the children’s special needs to the authority’s attention. Local authorities do not have a duty under section 22 of the Children and Families Act 2014 to assess every home educated child to see whether or not they have SEN. The high needs block of the Dedicated Schools Grant is intended to fund provision for all relevant children and young people in the authority’s area, including home-educated children. Local authorities should fund the SEN needs of home-educated children where it is appropriate to do so. Guidance is available to local authorities from the Department for Education on funding provision for home-educated children.

10.31 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. If it does then the local authority, under Section 42(2) of the Children and Families Act 2014, **must** arrange the special educational provision set out in the plan, working with the parents. Under Section 19 of the Act, a local authority **must** have regard to the views, wishes and feelings of the child and his or her parents, or the young person.

10.32 In cases where the EHC plan gives the name of a school or type of school where the child will be educated and the parents decide to educate at home, the local authority is not under a duty to make the special educational provision set out in the plan provided it is satisfied that the arrangements made by the parents are suitable. The local authority **must** review the plan annually to assure itself that the provision set out in it continues to be appropriate and that the child’s SEN continue to be met (see Chapter 9). Where the local authority has decided that the provision is appropriate, it should amend the plan to name the type of school that would be suitable but state that parents have made their own arrangements under Section 7 of the Education Act 1996.

10.33 Where a child or young person is a registered pupil and the parent decides to home educate, 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. 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.

10.34 Local authorities do not have the right of entry to the family home to check that the provision being made by the parents is appropriate and may only enter the home at the invitation of the parents. Parents should be encouraged to see this process as part of the authority’s overall approach to home education of pupils with SEN, including the provision of appropriate support, rather than an attempt to undermine the parents’ right to home educate.

10.35 Local authorities should not assume that because the provision being made by parents is different from that which was being made or would have been made in school that the provision is necessarily unsuitable. Local authorities should also consider using their power to help parents make suitable provision.

10.36 In some cases a local authority will conclude that, even after considering its power to provide support to home-educating parents, the provision that is or could be made

for a child or young person with an EHC plan does not meet the child or young person’s needs. The local authority is required to intervene through the school attendance order framework ‘if it appears…that a child of compulsory school age is not receiving suitable education’. The serving of a school attendance order is a last resort if all attempts to improve provision are unsuccessful. ‘Suitable education’ means efficient full-time education suitable to the child or young person’s age, ability and aptitude and to any SEN he or she may have.

10.37 Parents may also home educate children who have SEN but do not have EHC plans. As with children and young people with EHC plans, local authorities should work with parents and consider whether to provide support in the home to help the parents make suitable provision. Information about the right to request an EHC needs assessment and the right to appeal should be available to all parents including those who are considering home education because they feel that the special educational support being provided in the school is insufficient to meet the child or young person's needs.

10.38 Young people may also be educated at home in order to meet the requirement to participate in education and training until the age of 18. Local authorities should involve parents, as appropriate, in the reviews of EHC plans of home-educated young people who are over compulsory school age.