Special Educational Needs and Elective Home Education

1. The right to educate children at home applies equally where a child has Special Educational Needs (SEN). It also applies irrespective of whether the child has a Statement of SEN/Education, Health and Care (EHC) Plan.

2. Notwithstanding the above, where a child is on the roll of a special school, that child’s name may not legally be removed from the school register without the Local Authority’s consent. Consent may not unreasonably be withheld. Buckinghamshire County Council will need to be satisfied that the proposed education is suitable before the child can be removed from the school roll and the EHC plan/Statement is amended accordingly. Additionally, we may seek the views of the designated medical officer for SEN where a child with an EHC plan/statement of SEN is educated at home because of difficulties related to health needs or a disability.

3. If a child has an EHC plan/Statement of SEN and a parent/carer elects to home educate, then a joint meeting with the parents will normally take place which will consist of a SEN adviser and the EHE (Elective Home Education) Consultant, to offer advice and guidance and assess whether the education that is being or will be provided is ‘suitable and efficient’ and that the child’s needs are being met.

4. Where a child has Special Educational Needs – with or without an EHC plan/Statement of SEN - and is home educated, it remains Buckinghamshire County Council’s duty to ensure that the child's needs are met. If the child has a Statement or an EHC Plan, Buckinghamshire County Council continues to be under certain specific legal duties, for example:

   i. Buckinghamshire County Council will undertake annual reviews, even where it is satisfied that parents are making suitable arrangements. (Parents are welcome to attend annual review meetings but they are not obliged to do so.)

   ii. A parent who is educating their child at home may ask Buckinghamshire County Council to carry out a statutory assessment or reassessment of their child's special educational needs and Buckinghamshire County Council must consider the request within the same statutory timescales and in the same way as for all other requests.

5. Where it is satisfied that the provision being made at home is suitable, Buckinghamshire County Council will normally amend the child’s Statement of SEN/Education & Health Care Plan so that it specifies a type of school that Buckinghamshire County Council considers appropriate (rather than a particular school) and goes on to state that parents have made their own arrangements under section 7 of the Education Act 1996.

6. Where a child with an Education and Health Care Plan is educated at home, the parents’ entitlement to request a personal budget is likely to remain unchanged. More information on personal budgets can be found in Buckinghamshire County Council’s Local Offer as well as its Personal Budget Policy.