

Crisis-Forced Elective Home Education

The impact of non-recording on SEND, safeguarding and education accountability

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Executive Summary

Elective Home Education (EHE) is a lawful and, for many families, a positive and intentional educational choice. Alongside this established practice, national data demonstrates a sustained and significant increase in the number of children recorded as being electively home educated in England. Current national datasets do not require local authorities to record the reasons why children enter EHE. As a result, children who withdraw from school due to unmet need, escalating distress, or absence of suitable provision are recorded alongside families who make a proactive elective choice (Department for Education, 2023).

This paper examines the consequences of this accountability gap. It focuses on crisis-forced EHE: circumstances in which withdrawal from school occurs primarily to protect a child's wellbeing or safety following systemic failure to provide suitable education, rather than as a matter of parental preference.

Drawing on anonymised evidence from eight families across England, alongside analysis of statutory duties and national policy, the paper identifies a consistent and repeatable pathway into crisis-forced EHE. Across the cases, children experienced prolonged unmet special educational needs and disabilities (SEND), refusal or delay in Education, Health and Care Plan (EHCP) assessment, non-delivery of provision where plans existed, prolonged reduced timetables, absence of suitable alternative provision under section 19 of the Education Act 1996, and escalating attendance enforcement. Mental health deterioration and school-related trauma were common features, yet responsibility for securing access to education was frequently displaced between education and health systems.

The findings demonstrate that, in these cases, children ceased to receive suitable education before they were recorded as EHE. Once withdrawal took place, reasons were not formally recorded and scrutiny of whether statutory duties had been met effectively ended. Crisis-driven withdrawal therefore became statistically indistinguishable from elective home education, creating a structural blind spot in national education data.

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This blind spot has material consequences. From a safeguarding perspective, it reduces visibility of children whose withdrawal signals heightened vulnerability. From a SEND accountability perspective, it obscures potential breaches of duties to assess, plan and secure provision. From a policy perspective, it distorts understanding of the drivers of EHE growth and undermines effective planning for specialist and alternative provision (House of Commons Library, 2024).

This paper does not challenge the legitimacy of home education as a positive educational option. Its focus is narrow and proportionate: improving transparency and accountability where withdrawal from school follows educational failure rather than choice.

1. Introduction

Elective Home Education (EHE) is a lawful educational route in England and, for many families, represents a deliberate and positive choice aligned with philosophical, pedagogical, cultural or individual preferences. Alongside this established community, increasing concern has emerged that a distinct cohort of children are entering EHE following prolonged unmet need, escalating distress, or systemic failure within education and health services.

This paper focuses on that cohort. It uses the term crisis-forced EHE to describe circumstances in which withdrawal from school occurs not as a matter of parental preference, but as a response to risk, harm, or the absence of suitable educational support. The term does not create a new legal category; rather, it provides language for a phenomenon currently rendered invisible by national data systems.

The central argument of this paper is that the absence of a statutory requirement to record the reasons for EHE entry creates an accountability gap with significant implications for safeguarding, SEND compliance and education policy.

2. Policy and Legal Context

2.1 Parental responsibility and suitable education

Under section 7 of the Education Act 1996, parents are responsible for ensuring that their child receives suitable education, either by regular attendance at school or otherwise. Elective Home Education is a lawful means by which parents may discharge this responsibility (Education Act 1996, s.7).

2.2 Local authority duties

Local authorities have duties under section 436A of the Education Act 1996 to identify children of compulsory school age who are not receiving suitable education. Where

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concerns arise, authorities may make enquiries under section 437 (Education Act 1996, ss.436A–437).

2.3 SEND duties

Under the Children and Families Act 2014, local authorities must consider requests for Education, Health and Care (EHC) needs assessment where statutory thresholds are met. Where an EHCP is issued, local authorities have a duty to secure the special educational provision specified within it (Children and Families Act 2014, ss.36 and 42).

2.4 Section 19 duties

Section 19 of the Education Act 1996 places a duty on local authorities to arrange suitable education for children of compulsory school age who cannot attend school because of illness, exclusion or other reasons. This duty applies irrespective of whether a child remains on a school roll (Education Act 1996, s.19).

3. Data Recording and Structural Gaps

National EHE data collections focus on prevalence rather than causation. While local authorities report the number of children known to be electively home educated, there is no statutory requirement to record why children enter EHE using a standardised national framework.

As a result, crisis-driven withdrawal is statistically indistinguishable from elective choice, the relationship between EHE growth and unmet SEND cannot be quantified, and breaches of statutory duties cannot be identified through national datasets (Department for Education, 2023).

This absence of reason-based recording creates a structural blind spot in national education statistics, limiting effective oversight and policy response (House of Commons Library, 2024).

4. Methodology

This paper adopts a qualitative, practice-led research methodology drawing on anonymised case evidence from eight families across England, professional SEND advocacy review, and analysis of statutory legislation and guidance.

Rather than presenting case studies as standalone narratives, the evidence has been integrated into the findings and analysis to demonstrate systemic patterns of failure. Each case was analysed against statutory duties under the Education Act 1996 and the Children

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and Families Act 2014 to establish whether children were receiving suitable education at the point EHE was recorded.

This approach aligns with established practice in policy and parliamentary oversight reporting (House of Commons Library, 2024).

5. Findings: Systemic Pathways into Crisis-Forced EHE

Analysis of the eight cases reveals a consistent and repeatable pathway into crisis-forced EHE. In every case, children ceased to receive suitable education prior to being recorded as EHE.

5.1 Failure to assess SEND and secure statutory protection

Across multiple cases, children displayed clear indicators of SEND over extended periods without timely EHC needs assessment. In some cases, assessment was refused; in others, delays left children without statutory protection while access to education deteriorated.

Where CAMHS referrals were declined on the basis that needs were neurodevelopmental, no educational provision was substituted. Attendance enforcement often escalated despite evidence that children could not access education (Department for Education, 2019).

5.2 EHCPs existing without education being delivered

Several cases demonstrate that the existence of an EHCP does not guarantee access to education. Provision specified in plans was not delivered consistently, and children accessed education only through prolonged reduced timetables or not at all.

These cases evidence failure to secure provision under section 42 of the Children and Families Act 2014 (Children and Families Act 2014, s.42).

5.3 Reduced timetables functioning as exit routes

Reduced or part-time timetables were widely used in response to attendance difficulty. In practice, these arrangements often became long-term and unmanaged, operating as informal exit routes from education rather than short-term adjustments (Department for Education, 2019).

5.4 Failure to enact section 19 duties

In all cases, children experienced prolonged periods during which they could not attend school. Despite this, suitable alternative provision under section 19 of the Education Act

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1996 was not arranged, representing a failure to discharge statutory duty (Education Act 1996, s.19).

5.5 Displacement of responsibility between education and health

Mental health deterioration was present in all cases. However, CAMHS thresholds frequently resulted in referrals being declined, with responsibility displaced back to education without educational provision being secured. Children therefore fell between systems, receiving neither health support nor education (Department for Education, 2019).

5.6 Attendance enforcement replacing education

Attendance enforcement was a consistent feature across cases. Enforcement escalated despite safeguarding concerns and clear evidence that children could not safely access school, contributing directly to withdrawal from education.

5.7 Crisis withdrawal recorded as elective choice

In every case, the administrative outcome was identical: the child was recorded as Electively Home Educated, with no mechanism to record that education had already ceased or that statutory duties had not been met.

6. Why Recording the Reason for EHE Is Essential

The integrated evidence demonstrates that crisis-forced EHE is not incidental, but a predictable outcome of systemic failure.

Without mandatory recording of the reason for EHE, children who have already lost access to education are indistinguishable from elective home educators, breaches of section 19 and section 42 duties remain hidden, safeguarding oversight is weakened, and national understanding of EHE growth is distorted (Department for Education, 2019; House of Commons Library, 2024).

In practice, EHE is often recorded after education has already failed, not at the point of parental decision-making.

7. Policy Recommendations

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- 1.Introduce mandatory recording of reasons for EHE using a national framework.
- 2.Require audit of statutory duties prior to EHE recording, including section 19 and EHCP compliance.
- 3.Regulate and time-limit reduced timetables, with mandatory escalation where education is not restored.
- 4.Clarify education-health accountability so education provision is not suspended due to mental health thresholds.
- 5.Use reason-based EHE data to inform national SEND and alternative provision planning.
- 6.Commission a national inquiry into crisis-forced EHE informed by recorded causation data.

8. Conclusion

Crisis-forced EHE represents a hidden cohort within national education data. Addressing this gap is essential to safeguarding children, upholding statutory duties, and developing effective education policy. Improving transparency does not undermine elective home education; it strengthens the system's ability to identify failure, intervene earlier, and protect children's right to education.

References

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Appendix A: Anonymised Case Evidence Demonstrating Systemic Failure to Secure Education

Purpose of this Appendix

This appendix presents anonymised case evidence from eight families across England to demonstrate systemic failure to secure suitable education prior to children being recorded as Electively Home Educated.

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Case A – Failure to Assess SEND and Arrange Alternative Education

The child experienced escalating school refusal linked to unmet SEND. Despite clear indicators of autism and significant learning delay, no timely EHC needs assessment was completed. CAMHS declined involvement on the basis that needs were neurodevelopment, yet no educational provision was substituted. Attendance enforcement escalated despite prolonged non-attendance, and no education was arranged under section 19 of the Education Act 1996. Withdrawal to EHE occurred after education had already ceased.

Case B – EHCP Issued but Education Not Delivered

An EHCP was issued, but provision was not delivered in practice. The child accessed education through a prolonged reduced timetable without lawful review or compensatory provision. No alternative education was arranged, and the local authority did not intervene to secure provision. The child was not receiving suitable education at the point EHE was recorded.

Case C – Refusal to Assess SEND and Escalating Enforcement

Requests for EHC needs assessment were refused despite persistent inability to attend school. Attendance enforcement continued while SEND processes remained unresolved. No alternative education was arranged during extended periods of non-attendance. Withdrawal to EHE occurred to prevent further deterioration.

Case D – Transition Failure and Absence of Education

During transition to secondary school, attendance collapsed. A reduced timetable was introduced but not reviewed or escalated. Requests for alternative provision under section 19 were declined, and no suitable education was arranged during this period.

Case E – Masking and Dismissal of Need

SEND indicators were repeatedly dismissed due to masking. Requests for assessment were refused based on outdated evidence. Despite clear inability to access learning, no alternative provision was arranged. Attendance pressure continued while education remained inaccessible.

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Case F – Child on Roll but Not Educated

The child remained on a school roll but did not attend for an extended period. No alternative education was arranged under section 19. The child was not recorded as missing education due to roll status, despite not receiving education in practice.

Case G – Structural Barriers to Access

A suitable placement existed, but removal of transport created a practical barrier to access. No reasonable alternative arrangements were made, resulting in reduced or ceased access to education.

Case H – Early Dismissal Leading to Crisis Withdrawal

Early concerns were dismissed or reframed as parenting issues. Private assessments were required to evidence need. An EHCP was refused despite professional evidence, and attendance enforcement continued while education was inaccessible. EHE was considered as a last resort.

Summary of Case Evidence

Across all cases, children ceased to receive suitable education before EHE was recorded. Statutory duties were not met, and withdrawal functioned as an administrative endpoint rather than an elective choice. Without recording the reason for EHE, these failures remain invisible.

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