

Consultation on Home Education Guidelines

Consultation Response Form

The closing date for this consultation is: 31 July
2007

Your comments must reach us by that date.

department for

education and skills

creating opportunity, releasing potential, achieving excellence

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Education and Skills e-consultation website (<http://www.dfes.gov.uk/consultations>).

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Please tick if you want us to keep your response confidential. ☐

Name

Organisation (if applicable) Rotherham Metropolitan Borough Council

Address:

If your enquiry is related to the policy content of the consultation you can contact Elaine Haste on:

Telephone: 0870 000 2288

e-mail: elaine.haste@dfes.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 113

e-mail: consultation.unit@dfes.gsi.gov.uk

Which of the following best describes you:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please Specify:

[REDACTED]

I do not assess any of the education being undertaken by the children this is overseen by a person who is employed by the LA on a consultancy basis.

1 Do you agree that it is helpful for the DfES to issue guidelines to local authorities?

<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

The document will be welcomed if gives clear advice and guidance on roles and responsibilities of all participants who are involved in home based education.

2 Do you agree that the description of the law (paragraphs 2.1-2.3) relating to elective home education is accurate and clear?

<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

I feel that the words "suitable" and "efficient" could be interpreted in many ways. The statement "achieves that which it sets out to achieve" depends on what the parents want to achieve and should be more clearly defined. The statement " primarily equips a child for life within the community of which he is a member is an important statement. I feel that a child cannot fit into life in the community unless they can read, write and be numerate. Nowhere does it state what will equip a child for life in the community.

3 Do you agree that the description of local authorities' responsibilities (paragraphs 2.5-2.11) is accurate and helpful?

Comments:

The section is clear in what it states. However if it clearly stated what education children should be concentrating on it would leave parents in no doubt as to what the emphasis of the education being provided should be based on. This flexible approach suggests that parents can be inventive in how they provide the education, some parent will be able to do this others will not. I feel parents would be grateful of clearer guidelines e.g. Subjects such as Maths, English, IT and Science should be the main subjects covered. Children cannot function in today's society without a good knowledge of these subjects. Any other subjects that the parents wish their child to study would be a bonus.

6 Do you agree that the section on developing relationships (section 4) is useful?

<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

It is essential that good relationships are formed to be able to work with parents and their children, and a degree of trust must exist between them. However relationships will break down if guidelines are not clear and are open to interpretation. If there is no formal learning taking place it does not give children a good idea of what the future holds in the world of work once their compulsory education ceases. Also if parents realise that they cannot carry on home educating and want to return their children into mainstream school it becomes very difficult for their children to be able to fit back comfortably into a school environment.

7 a) Are the suggested resources in section 5 and appendix 2 useful?

<input type="checkbox"/>	<input type="checkbox"/>
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Comments:	
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7 b) Should any other contacts be included?



Comments: As many contacts as possible should be available and websites for parents to access for information on exams especially on line examination boards.	
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8 Please use this space for any other comments you wish to make about the guidelines

Comments:

The guidelines need to be made clear to all parties, but until there is some statutory requirement placed on parents then the guidelines are open to interpretation.

How do we define "suitable and efficient" ?

How can we be certain that work is being completed by the child if we only need a report from parents?

How can the LA reasonably be expected to fulfil its obligations to safeguard children without the backing from legislation relating to children who are home educated.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply ☐

Here at the Department for Education and Skills we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

☐☐

All UK national public consultations are required to conform to the following standards:

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2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
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5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

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Please tick if you want us to keep your response confidential. ☐

Name

[REDACTED]

Organisation (if applicable)

[REDACTED]

North East Lincolnshire

Address:

[REDACTED]
[REDACTED]
[REDACTED]

If your enquiry is related to the policy content of the consultation you can contact Elaine Haste on:

2288

Telephone: 0870 000 [REDACTED]

e-mail: elaine.haste@dfes.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 113

e-mail: consultation.unit@dfes.gsi.gov.uk

Which of the following best describes you:

<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	

Please Specify:

[Redacted line]

1 Do you agree that it is helpful for the DfES to issue guidelines to local authorities?

<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

The guidance is welcome but it would also be helpful to have a list of the outcomes that would indicate if a Local Authority were providing the very best service. It would allow us to judge our own service against the very best practice nationally and would provide a clearer picture of what was required by a Local Authority.

2 Do you agree that the description of the law (paragraphs 2.1-2.3) relating to elective home education is accurate and clear?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

2.3 Although it must be accurate it is open to wide interpretation. There is a tension between the statement "primarily equips a child for the life within the community of which he is a member rather than the way of lifeas long as it does not foreclose the child's options in later years....." It would be helpful here to identify basic minimum requirements.

3 Do you agree that the description of local authorities' responsibilities (paragraphs 2.5-2.11) is accurate and helpful?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

2.7: The guidance appears to read that the LA do not have a duty to seek out pupils who are being home educated. If they have never been part of the school system and there is no information about the family how can the LA make the judgement that intervention is necessary? It follows that no judgement will ever be made on the education provided by these families.

2.10: A number of truants are now using the home education route to stop court proceedings or fines. Making several visits to engage and support parents and students, putting in place orders that can be overturned and having to return to court to get orders enforced all take time – which may be a time where no education is taking place. This raises several questions.

- Does this fit with the “Every Child Matters” agenda?
- Could LA in the future be sued for failing to ensure that a child was being educated in a way that “does not foreclose the child’s options in later years to adopt some other form of life if he so wishes”?
- Will the LA as a matter of course have access to the health records of pupils who do not enter the school system in order that we are clear as to where and who the pupils are and whether concerns have been raised by other professionals?
- Would it be possible to insist that any truants should not be allowed to opt for home education until any court proceedings were completed?

A further issue has emerged linked to the ongoing 11 – 19 reforms. As many schools are adopting a 2-year KS3 and 3-year KS4, unless these young people become involved in diplomas or something similar, their post-sixteen opportunities will be significantly impaired. This could have a direct impact on NEETs. A recent study carried out by Connexions on the origin of NEETs has identified a small but significant cohort who have been home educated and who are now on the NEETs register. This will increase as more children in this age group opt for home education.

4 Do you agree that the section on contact with the local authority (paragraphs 3.4-3.7) is accurate and helpful?



Comments:

3.4 – 3.7: To make intervention decisions on a risk based approach can only be meaningful where evidence is available – not always the case with home educated pupils if they are not known to the LA or if they are not willing to engage in any meaningful contact. How much evidence is needed and does it have to be backed by information from other departments such as social services?

The yearly visit undertaken by this LA and many others no longer appear to be seen as a necessary part of the provision “LA have no statutory duty in relation to monitoring the quality of home education on a routine basis”. If on the first visit, the provision is judged to be satisfactory; does it necessarily follow that the provision will remain a satisfactory? It is very possible to set up what looks to be a secure home education system but never follow it through. Also:

- The guidance appears to suggest that some communities are at greater risk than others (Traveller's are mentioned), so should LAs have a policy which identifies specific groups (not very sensitive) and should authorities/the guidance develop a list of criteria that would trigger a visit?
- How is the LA to assess if progress is being made if there are no yearly visits?
- How can a LA assess the accuracy of a report from the parents, if that is all the evidence that the parent will provide? (I note that providing a philosophy appears not to be acceptable?)
- If work is provided and the LA does not have access to the children – how is the LA to ascertain that the work has been actually completed by the child in question?

5 Do you agree that the section on providing a full-time education (paragraphs 3.11-3.14) – and in particular, the characteristics of provision (paragraph 3.13) – is accurate and helpful?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

3.11 – 3.14 It would be helpful to have a list of areas that home educating parents are required to conform to. All other pupils – private and state educated are monitored to a certain extent to ensure that the provision is appropriate – it is unfair that home educated children are not given similar security. Young children are very much guided by their parents and do not necessarily have the wherewithal to make any decisions on what is best and most appropriate for them – they will in general be content with what is on offer.

6 Do you agree that the section on developing relationships (section 4) is useful?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

Yes – on the whole most parents are pleased to engage with the LA and do not see the yearly visits as either threatening or intrusive. However it appears from my records that many more secondary age pupils are becoming home educated – not because the parents judge that to be in the best interests of the student but more because of social factors – mainly bullying at school or truancy problems (sometimes linked) and in a small number of pupils, mental problems. These are our most vulnerable children and it is still possible for them not to be seen, for example if parents send in reports that appear appropriate or pieces of work that may or may not have been done by them. Can the trigger for intervention merely be unease with the situation or does it have to be based on some harder evidence?

7 a) Are the suggested resources in section 5 and appendix 2 useful?



Comments:

Very Helpful – we will be entering them on to our "Home Educators" website.

7 b) Should any other contacts be included?

☐☐☐

Comments: We have provided all home educators with a VLE number in order that they can access the LA websites for school. They are also provided with a "Teacher's Ticket" 935 books) form the library and a pass that they can carry when in town during the day. Would a national pass/website be a possibility?

8 Please use this space for any other comments you wish to make about the guidelines

Comments:

Apart form the previous comments I am concerned that the 14 – 16 (KS4) pupils are going to loose access to training and to further education. A significant number of the families I am dealing with are in the lower socio-economic groups. The 14 – 19 curriculum needs to allow these pupils access. Taking external examinations is also a difficulty – would it be possible for schools to allow the

pupils to take the examinations at their centre but not to have the students counted as part of their cohort? Accessing work experience is also a difficulty. All our older pupils can be supported by Connexions but it would be helpful if the Connexions Service could also organise for work experience – this would ensure that students attended only accredited workplaces – important as part of the “keeping safe” agenda.

Please acknowledge this reply - Yes



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Send by e-mail to: homeeducation.consultation@dfes.gsi.gov.uk

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Please tick if you want us to keep your response confidential. ☐

Name

[REDACTED]

Organisation (if applicable) NOTTINGHAM CITY COUNCIL

Address:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

If your enquiry is related to the policy content of the consultation you can contact Elaine Haste on:

Telephone: 0870 000 2288 [REDACTED]

e-mail: elaine.haste@dfes.gsi.gov.uk

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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	

Please Specify:

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1 Do you agree that it is helpful for the DfES to issue guidelines to local authorities?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

However the guidelines appear to offer, at times, ambiguous information that opens up wide interpretation regarding the definitions of the terms, 'reasonable', 'suitable', and 'efficient' education. The lack of narrow definition of these terms may, potentially, enable an inappropriate, poor quality curriculum offer to be delivered to a child.

'Parents are not legally required to give the local authority access to their home. Parents may choose to meet a local authority representative at a mutually convenient location or choose not to meet at all. If they choose not to meet they will need to provide evidence that they are providing an efficient and suitable education' (para 3.7, p.9). This contradicts with the following statement in paragraph 2.8, page 6 which in regard to the local authority raising concerns on whether home-educated children are receiving a suitable education states, 'The most obvious course of action if such a concern were raised would be to ask parents for information about the education they are providing...parents are under no duty to comply'.

2 Do you agree that the description of the law (paragraphs 2.1-2.3) relating to elective home education is accurate and clear?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comments:

As in No.1 we would welcome narrow definitions of the terms 'reasonable', 'suitable', 'efficient'.

3 Do you agree that the description of local authorities' responsibilities (paragraphs 2.5-2.11) is accurate and helpful?

☐☒☐

Comments:

'Parents are not legally required to give the local authority access to their home. Parents may choose to meet a local authority representative at a mutually convenient location or choose not to meet at all. If they choose not to meet they will need to provide evidence that they are providing an efficient and suitable education' (para 3.7, p.9). This contradicts with the following statement in paragraph 2.8, page 6 which in regard to the local authority raising concerns on whether home-educated children are receiving a suitable education states, 'The most obvious course of action if such a concern were raised would be to ask parents for information about the education they are providing...parents are under no duty to comply'.

4 Do you agree that the section on contact with the local authority (paragraphs 3.4-3.7) is accurate and helpful?

☐☒☐

Comments:

The proposed guidelines do not strengthen the work of local authorities in attempting to support the right of every child to receive an adequate education. Problems still persist in meeting parents wishing to home-educate, gaining access to observe the quality of delivery and view evidence of actual learning in some EHE cases

The proposed guidelines do not make it a legal obligation of each parent electing to home-educate their child to;

- Meet with the EHE service and establish a working partnership that ensures appropriate support for their child in receiving an adequate home education
- Give entry to an EHE Advisor and enable a judgement to be made regarding the adequacy of the education offered
- Provide evidence regarding the education of their child

'Parents are not legally required to give the local authority access to their home. Parents may choose to meet a local authority representative at a mutually convenient

location or choose not to meet at all. If they choose not to meet they will need to provide evidence that they are providing an efficient and suitable education' (para 3.7, p.9). This contradicts with the following statement in paragraph 2.8, page 6 which in regard to the local authority raising concerns on whether home-educated children are receiving a suitable education states, 'The most obvious course of action if such a concern were raised would be to ask parents for information about the education they are providing...parents are under no duty to comply'.

5 Do you agree that the section on providing a full-time education (paragraphs 3.11-3.14) – and in particular, the characteristics of provision (paragraph 3.13) – is accurate and helpful?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comments:

Nottingham City Council welcomes the opportunities parents have under this set of guidelines to deliver a diverse and flexible range of learning opportunities within home education.

The City Council challenges the proposed guidance with regard to the lack of legal obligation placed on parents to;

- Meet with the EHE service and establish a working partnership that ensures appropriate support for their child in receiving an adequate home education
- Give entry to an EHE Advisor and enable a judgement to be made regarding the adequacy of the education offered
- Provide evidence regarding the education of their child

In 2006-07 there have been, thus far, a number of unsatisfactory outcomes for children educated at home. These include;

- Twenty three visits recorded unsatisfactory provision in 2006-07.
- The cases of 17 children have been referred to EWS as a result of continued unsatisfactory judgements at observation.
- The delivery to 11 children has not been able to be observed as EHE Advisors have been refused entry. Of this 11, the curriculum offer and actual work of 7 children have been evidenced.

6 Do you agree that the section on developing relationships (section 4) is useful?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comments:

The procedures and practises regarding EHE are reviewed on a regular basis. The City Council has a monitoring process that continuously reviews the standard of home education children are receiving. Emphasis is placed on developing a working relationship with each parent to ensure each child receives an adequate education. However problems still persist in meeting parents who wish to home-educate, gaining access to observe the quality of delivery and view evidence of actual learning in some EHE cases.

7 a) Are the suggested resources in section 5 and appendix 2 useful?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

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7 b) Should any other contacts be included?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

The proposed guidelines do not strengthen the work of local authorities in attempting to support the right of every child to receive an adequate education.

8 Please use this space for any other comments you wish to make about the guidelines

Comments:

The proposed guidelines are contradictory to the RESPECT and safeguarding agendas. The proposed guidelines place children at risk by inhibiting the responsibilities of the Local Authority to fully track children missing from education.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply ☐

Here at the Department for Education and Skills we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

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Send by post to:

Elaine Haste, Department for Education and Skills, Mowden Hall, Staindrop
Road, Darlington DL3 9BG

Send by e-mail to: homeeducation.consultation@des.gsi.gov.uk

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Name **Buckinghamshire County Council**

Organisation (if applicable) **Local Authority**

Address:

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Fax: 01928 794 113

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Which of the following best describes you:

<input type="checkbox"/> Home-based	<input type="checkbox"/> Seasonal or temporary employment	<input checked="" type="checkbox"/> Local authority
<input type="checkbox"/> Temporary or contract	<input type="checkbox"/> Other (please specify)	

Please Specify:

DRAFT

1 Do you agree that it is helpful for the DfES to issue guidelines to local authorities?

X Yes

Comments:

The Local Authority welcomes any move by the DfES to highlight the area of Elective Home Education and to make clear and unambiguous links to the outcomes for every child in terms of their welfare and safeguarding. However we continue to have grave concerns that, within the current legislative framework, issues over the safeguarding of a minority of EHE students continues to be a major concern. While the law explicitly denies access to these children and young people and there is no requirement for the first hand evaluation of the learning environment and/or the provision, it risks failing these students. The statutory framework creates a safeguarding loophole where children and young people are "unseen" and unmonitored for extended periods of time and as was the case for Victoria Climbié, this "invisibility" creates the potential for serious harm.

2 Do you agree that the description of the law (paragraphs 2.1-2.3) relating to elective home education is accurate and clear?

X Yes

Comments:

The description of the law is accurate. It may help local authorities if the description of "efficient" and "suitable" was less ill-defined and a clearer understanding of this was established for all parties from the outset. As it stands the definitions make the prosecution of a successful School Attendance Order difficult to achieve, as the evidential trail is so subjective and reliant on being able to foresee the future. Given that research indicates that the majority of children currently in our primary schools will be employed in jobs which have yet to be invented (consider choosing to be a "web designer" 10 years ago), the statement linked to "suitable" as an education which:
"Equips a child for life within a community ... as long as it does not foreclose the child's options later in life (2.3)"
is unenforceable.

3 Do you agree that the description of local authorities' responsibilities (paragraphs 2.5-2.11) is accurate and helpful?

☒ No

Comments:

The content in 2.7 is written to emphasise the procedures for denying access to a child by, for example, emboldening the "**if they have good reason**". This suggests that a Local Authority would deem to interfere unnecessarily with the decision to home educate a child. As noted earlier, it is Buckinghamshire's contention that, as it stands, the statutory obligation to act if it "*appears to a LA that a child is not receiving suitable education (2.7)*" is impossible to undertake without access to the child. Further, the line in 2.8 about being "*sensitive*" to respond to requests for information reinforces the idea of an unnecessary or bureaucratic interference by various services in the provision of EHE.

Section 2.11 continues the absurd situation of a statutory obligation to promote and safeguard the welfare of children but without the tools to carry it out.

4 Do you agree that the section on contact with the local authority (paragraphs 3.4-3.7) is accurate and helpful?

☒ Yes

Comments:

This section seems to have been drafted by a different author. It has a much clearer view of the role of the LA and the way it would seek to undertake its statutory function in relation to educational outcomes. There is a much more positive expectation that the parents and LAs will develop a dialogue over the education being provided rather than the text in Part 2 (2.4 – 2.11) which emphasises the possibility of bureaucratic interference and ways to circumvent this.

5 Do you agree that the section on providing a full-time education (paragraphs 3.11-3.14) – and in particular, the characteristics of provision (paragraph 3.13) – is accurate and helpful?

☒ Yes

Comments:

The local authority acknowledges the lack of statutory definition for the provision of "full time" education. It however welcomes the list in 3.13 where the test of reasonableness provides a list of characteristics against which consultants and officers can work.

6 Do you agree that the section on developing relationships (section 4) is useful?

☒ Yes

Comments:

This section is a useful reminder of the need for positive partnerships in all dealings with children and young people. Buckinghamshire County Council recognises and supports a huge diversity in its home education provision and recognises the range of educational styles and philosophies of the families involved. However, we continue to have concerns over the '*rhetoric v reality*' gap where child protection is concerned (4.9 & 4.10).

At a time when schools and other education providers have very strict guidance on the employment of "suitable" people who have regular and sustained contact with children, it is a shock that this is also not deemed necessary for children and young people involved in EHE.

7 a) Are the suggested resources in section 5 and appendix 2 useful?

☒ Yes

Comments:

In Annex B:-

- To note Education Otherwise address as incorrect. It should read
PO Box 325
Kings Lynn
PE34 3XW
- Also its email address should be:
eoemailhelpline@education-otherwise.org
- Ethnic Minority Achievement Project web-link should read (missing DfES line in annex B):
<http://www.standards.dfes.gov.uk/ethnicminorities>

7 b) Should any other contacts be included?

X No

Comments:

8 Please use this space for any other comments you wish to make about the guidelines

Comments:

Buckinghamshire County Council wishes to take this opportunity to reinforce the concerns it has over the provision in common law and through the action of Elective Home Education guidelines for access to children and young people involved in EHE. It is our experience that children and young people can become "invisible" to the Local Authority through the election to home educate. As noted earlier there is potential for serious harm in this situation.

Pupils in schools, in Pupil Referral Units in Hospital Education programmes etc are all monitored through face-to-face contact and regular consideration of welfare and safeguarding issues. Concerns can be quickly identified and action taken. In cases where parents elect to home educate their child they can, quite legally, remove this essential safeguarding provision and substitute it with telephone reports, letters or, in some cases, a total refusal to enter into any form of dialogue. If the guidelines are to be accepted a refusal to allow access to the learning environment, the child or information about who is providing the education, is not sufficient reason and does not constitute

"a ground for concern about the education provision being made. (4.8)"

This is clearly unsupportable in the current climate and with the focus on the welfare and protection of vulnerable young people. It cannot be a *"paramount concern (4.9)"* whilst such barriers exist.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply ☐

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X Yes

☐ No

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Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 31 July 2007

Send by post to:

Elaine Haste, Department for Education and Skills, Mowden Hall, Staindrop
Road, Darlington DL3 9BG

Send by e-mail to: homeeducation.consultation@dfes.gsi.gov.uk

DRAFT

Consultation on Home Education Guidelines

Consultation Response Form

The closing date for this consultation is: 31 July
2007

Your comments must reach us by that date.

department for

education and skills

creating opportunity, releasing potential, achieving excellence

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Please tick if you want us to keep your response confidential. ☒

Name

Organisation (if applicable) [redacted] Hull

Address:

If your enquiry is related to the policy content of the consultation you can contact Elaine Haste on:

Telephone: 0870 000 2288

e-mail: elaine.haste@dfes.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 113

e-mail: consultation.unit@dfes.gsi.gov.uk

Which of the following best describes you:

☐

Home educator

☐

Organisation
representing home
educators

☒ Local
authority

☐

Young person who
is/was home
educated

☐

Other (please specify)

Please Specify:

[REDACTED]

1 Do you agree that it is helpful for the DfES to issue guidelines to local authorities?

☒ Yes

☐ No

☐ Not Sure

Comments:

This document should be helpful in enabling LAs to understand their roles and responsibilities and their legal position. However, it is disappointing that there have been no changes in the monitoring arrangements or legislative requirements which would have resulted in better provision for the growing number of home educated children. Has all current research been taken into account and have a number of LA representatives involved with home education been consulted before these guidelines were issued?

2 Do you agree that the description of the law (paragraphs 2.1-2.3) relating to elective home education is accurate and clear?

☐ Yes

☐ No

☒ Not Sure

Comments:

2.1 - 2.2

Fine

2.3

This is not clearly defined.

3 Do you agree that the description of local authorities' responsibilities (paragraphs 2.5-2.11) is accurate and helpful?

☐

Yes

☐

No

☒ Not Sure

Comments:

2.4

This does not require parents to register children or seek approval from the LA to educate their children at home. If the LA is not aware of these children and the parents do not engage with The Health Authority or any other agencies, this could, in some cases result in the children not being seen by the LA or by The Health Service etc. Also, children who move from one authority to another may be lost to the system as can children leaving schools in the private sector.

2.5

Most of this is fine but it is stated that 'all children should make reasonable progress.' Reasonable progress is not clearly defined.

2.6

Fine.

2.7 states that LAs can intervene if they have good reason to believe that parents are not providing a suitable education' If there is no access to home educated children and the only means of communication is through written reports, how can LAs be certain that a suitable education is being provided? Many home educated children would not be receiving a 'suitable, efficient and full-time' education if the LA was not proactive in making enquiries and offering advice. Visits with access to the children can help to ensure that a suitable education is being provided.

4 Do you agree that the section on contact with the local authority (paragraphs 3.4-3.7) is accurate and helpful?

☐

Yes

☐

No

☒ Not Sure

Comments:

3.4

The first sentence is positive and is welcomed. A 'risk based approach taking into consideration the individual and community's circumstances' is then mentioned, giving Gypsy/Roma and Traveller children as an example. Does this single out certain communities and does this imply that LAs have more power in some socio-economic areas than others? Problems can arise in every socio-economic area. Also, what is a 'risk base approach and what criteria can be used for calculating risk where there is little information, no access to the children and no evidence of work samples?

3.5

If there is no real evidence or information then this implies that the child may not be receiving a suitable education.

The child is not required to attend meetings but the parents can provide this opportunity if they so wish. What about 'the voice of the child?' Surely a child has a right to express a view during discussions about their education. Some children have expressed a wish to return to school during such meetings although some parents are reluctant to abide by these wishes.

3.6

Fine

3.7

A report and samples of work may be sent but without seeing the child, it cannot be established whether she/he is receiving full-time education suitable to 'age, ability and aptitude' and to any special needs she/he may have.

3.8 - 3.10

Fine

5 Do you agree that the section on providing a full-time education (paragraphs 3.11-3.14) – and in particular, the characteristics of provision (paragraph 3.13) – is accurate and helpful?

☐

Yes

☐

No

X Not Sure

Comments:

3.11

Children from larger families may have less contact time. What about parents who go out to work and leave their children unsupervised at home even for part of the day? The LA is sometimes unaware of this, particularly when the only is no contact apart from a report and samples of work. Also, the LA may be unaware of the real social isolation experienced by these children.

I have received many semi-literate letters from parents over the last three years stating that they would like to educate their children at home. I have also met lots of parents. Many of them struggle to educate their children at a secondary level.

3.13

The records of educational provision to be provided by parents and progress should be evaluated and assessed.

6 Do you agree that the section on developing relationships (section 4) is useful?

☒ Yes

☐ No

☐ Not Sure

Comments:

4.1 Fine

4.2 Fine apart from the last sentence which is not clear.

4.3 A formal and structured education is usually provided by most parents but some children of parents who believe in an unstructured education describe it as 'autonomous' and produce very little evidence of work and very little written work.

7 a) Are the suggested resources in section 5 and appendix 2 useful?

☒ Yes

☐ No

☐ Not Sure

Comments:

These are useful.

7 b) Should any other contacts be included?

☒ Yes

☐ No

☐ Not Sure

Comments:

This is useful and more websites and contacts would be welcomed.

8 Please use this space for any other comments you wish to make about the guidelines

Comments:

Because there is no legal access to a child who is home educated, it is difficult for LAs to ensure that he/she is receiving a full-time education suitable to 'age, ability and aptitude' and to any special needs he/she may have. An initial assessment of the child's capabilities can be made by having a conversation with him/her in the presence of the parent/carer.

The legal definition of a 'suitable, efficient and full time education' is not clear and needs to be addressed.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply X

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X Yes

☐

No

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Please tick if you want us to keep your response confidential. ☐

Name

Organisation (if applicable)

Address:

[REDACTED]
W. Sussex Children & Young Peoples' Services
[REDACTED]
[REDACTED]
[REDACTED]

If your enquiry is related to the policy content of the consultation you can contact Elaine Haste on:

Telephone: 0870 000 2288

e-mail: elaine.haste@dfes.gsi.gov.uk

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☐ Organisation
representing home
educators

☐ Local
authority

☐ Young person who
is/was home
educated

☐ Other (please specify)

Please Specify:

[REDACTED]

Local authority

1 Do you agree that it is helpful for the DfES to issue guidelines to local authorities?

☒ Yes

☐ No

☐ Not Sure

Comments: **YES** But it must have clarity and teeth! Has this proposed version moved us on any further? Maybe a little. Can it still be interpreted in a myriad of ways thus leaving the same grey areas ill defined and unresolved? I suspect it can. Does it still leave LEAs unsure about what powers they really have in these matters? Most probably-accusations of over-exercising its duties could still be levied. This must be considered at local, regional and national level and a sensible consensus reach. The wooliness of the current situation must be clarified and powers to ensure children's well being must be workable.

YES. Guidelines are better than nothing. They may ensure current costs continue though there is a danger that these costs will not match the increasing numbers of EHE cases.

YES. Essential.

2 Do you agree that the description of the law (paragraphs 2.1-2.3) relating to elective home education is accurate and clear?

☒ Yes

☐ No

☐ Not Sure

Comments: **YES** The description is **accurate**, it is the law...but it does not automatically follow that it is **clear**!

YES. NB it is interesting that paragraph 2.4 has been left out of comment sections. (see 8)

Transfer to 8

Children who have never been in LEA provision need to be monitoring just as much as other EHE children. Also parents are not required to register with the LEA when removing children from school. By this means wither deliberately or by mistake they become LOST. Schools assume families are moving to another area they need to ask the direct question are you indenting to Home Educate, transfer to another school in the area or move?

NO. The description of the law is accurately stated. The definition of "efficient" and "suitable" is unclear and unhelpful to a Local Authority. The lack of definition burdens the Authority with trying to pursue what the terms might mean.

3 Do you agree that the description of local authorities' responsibilities (paragraphs 2.5-2.11) is accurate and helpful?

☐ Yes

☐ No

☒ Not Sure

Comments: Para 2.6 is quite confusing as it refers to the LEA having a duty to "for example at home" and that "the duty does not apply to children who are being educated at home".

Also "The most obvious course of action if such a concern were raised would be to ask for information about the education they are providing. Such a request is not the same as a notice under s 437(1). *Parents are under no duty to comply, but it would be sensible for them to do so*¹." **remains toothless; if it cannot be enforced why bother to enshrine it in law?**

YES. It is accurate but the section 437 (1) of the Education Act 1996 is not helpful. If LEAs can interview if they have good reason to believe parents are not providing a suitable education it is CONTRADICTIONARY not to allow LEAs by law to monitor all EHE. Identify such cases that are failing (██████, is the West Sussex web used for EHE packs?)

NO. 2.5 is littered with the word "should"

2.6 is clear

2.7 is clear but reliant of the LA to determine "suitable"

2.8 is unhelpful

2.9 is reliant at the LA defining "suitable"

2.10 is reliant at 2.8 and 2.9 working

4 Do you agree that the section on contact with the local authority (paragraphs 3.4-3.7) is accurate and helpful?

☐

Yes

☐

No

☒

Not Sure

Comments: Accurate, under the Act but again powerless in action –

"However, where parents do not want any involvement with the local authority, the LA should not automatically assume that there is a problem which needs investigating." **What then should it assume? If there is no form of evidence through regular monitoring then a judgement on the legality and suitability of the provision is impossible to make and simply stating "I home educate my child" or "my child's educational well being is exclusively my business" could be argued as sufficient!**

This should include seeking from the parents any further information that they **wish to provide** explaining how they are providing a suitable education. "I wish to provide none" then what?

But parents are not legally required to give the local authority access to their home. **They may choose** to meet a local authority representative at a mutually convenient and neutral location instead or **choose not to meet at all**. If they choose not to meet, they will need to provide evidence that they are providing an efficient and suitable education. Parents **might**, for example:

- Write a report
- Provide samples of work
- Invite a local authority advisor/consultant to their home, with or without the child being present; or
- Meet a local authority advisor/consultant elsewhere, with or without the child. **This implies they may choose to do none of these!**

¹ Phillips V Brown (1980)

YES. Accurate as the law stands but not helpful as often information does not exist unless a case is monitored and there are numerous legal ways parents can avoid this – then the evidence provided can be in doubt

- Written reports may not be accurate
- Work samples do not show the amount of work covered in a full time education

3.4 EHE/TES

is this link needed for :

- Staff risk assessment
- Improved knowledge of Traveller culture
- Multi agency courtesy

3.1 yes, 3.2 yes, 3.3 yes, 3.4 yes, 3.5 is vague and “should” is again a questionable verb, 3.6 little with the word “may” and “should”, 3.7 vague, 3.8 yes, 3.9 yes, 3.10 reasonable if “efficient” and “suitable” were defined

5 Do you agree that the section on providing a full-time education (paragraphs 3.11-3.14) – and in particular, the characteristics of provision (paragraph 3.13) – is accurate and helpful?

☐

Yes

☐

No

☐

Not Sure

Comments: Home-educating parents are not required to: Far better to have made this a **positive** statement such as:

Parents may choose 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
- Reproduce school type peer group socialisation
- Match school, age-specific standards

But these are not obligatory.

PARA3.13 – YES this is good but would have to be **seen** for it to contribute to a judgement of satisfactory provision; for some of them face to face contact would be essential.

YES. It is difficult to recognise the child's own needs, attitudes and aspirations without the child being a present. Often parents under or over estimate a child's abilities or try to channel their own aspirations through their child. Body language can identify a mismatch and lead to the child talking via the LEA representative about such areas as university Vocational qualifications, or subject interests that can be the parents rather than the child's own.

NO. 3.11 yes, 3.12 insurable, 3.13 vague, 3.14 reliant on previous definition

6 Do you agree that the section on developing relationships (section 4) is useful?

☒ Yes☐ No☐ Not Sure

Comments: YES good points rose.

Also:

All written information should be made available to parents in community languages and alternative formats on request – **Something for us to consider ASAP.**

The welfare and protection of all children, both those who attend school and those who are educated by other means, are of paramount concern and the responsibility of the whole community. **Yet LEAs have no legal right to enforce reasonable ways of gathering evidence, which would give a clearer indication that all is well. In the light of recent tragic cases this does not really seem to enshrine that “Every Child Matters”!**

A small number of LAs choose to assist home-educating parents in this task by undertaking Criminal Records Bureau (CRB) checks free of charge, for example, on independent home tutors **Are these the forward looking LEAs or the stupid ones????**

If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns should immediately be referred to the appropriate authorities using established protocols.² **Meanwhile we still await our invitation to enhanced training on CP recognition and protocols.**

YES. This section may be useful in breaking down the barrier between LEAs and some Education otherwise branches who have not realised that LEAs are far more flexible than what perhaps was the case many years ago.

NOT SURE. 4.1 yes, 4.2 yes, 4.3 yes, 4.4 reliant on 3.12 – 3.15 demonstrating “efficient and suitable”, 4.5 yes, 4.6 yes, 4.7 ?, 4.8 yes, 4.9 yes, 4.10 yes, 4.11 yes, 4.12 it would be interesting to see how Ofsted report on this area of work.

7 a) Are the suggested resources in section 5 and appendix 2 useful?

☒ Yes☐ No☐ Not Sure

² Working Together to Safeguard Children, Home Office, Department of Health, DfES & Welsh Office, 1999.

Comments: YES – anything which is relevant; appropriate supportive and non-controversial is useful! What do they want praise for digging out some info. Which most involved people know already?

"Flexi-schooling" is a legal option provided that the head teacher at the school concerned agrees to the arrangement.

It would be good for WS to be more supportive of this, at least in principle. It could even result in more children eventually returning/taking up F.T. school places as a result of good flexi-school experiences, especially as an increasing proportion of EHE children are withdrawn because of social and bullying issues.

YES. 5.6 and 5.7 to 5.8 are too vague. Flexi-schooling would help many mid KS4 students who for what ever reason cannot cope with school and resort to EHE where their GCSE work is lost.

Work experience. Parents could be helped by the LEAs allowing them to buy this info the block insurance OR suitable insurance company contacts and quotes made available on the information web sites and packs.

(West Sussex EHE needs to develop ideas in S2)

YES. The link to DfES website is helpful

7 b) Should any other contacts be included?

☒ Yes

☐ No

☐ Not Sure

Comments: see above – **should also be complemented by "local" info. Which WS tries to provide.**

YES) NEC? European Computer Driving Licence

(Has West Sussex got all these contacts in the EHE booklet?)

YES. Enclosed West Sussex and information packs and contact lists

8 Please use this space for any other comments you wish to make about the guidelines

Comments: A mixture of positive and negative feelings, as described in the sections above.

Those of us who have been involved for a long time – 10 years for me – I would have hoped for more clarity and the courage to make certain aspects non-negotiable.

These guidelines need to be legally checked to ensure they do not breach international duties and the Race Relations Amendment Act which have been signed by the Government

1.1 Agreed

1.2 LEAs and Home Education Parental groups would welcome the guide lines because:

1. There is no change in parents who have never involved their children in preschool/nursery/primary having to inform the LEA of their existence and so fall into black hole
2. The term "suitable" has not been better defined
3. Families taking children away from school are then assumed to be moving to another area for school rather than EHE so fall into black hole

1.3 Some parents and LEA budget managers will welcome the guidelines.

Those monitoring EHE for LEAs will be in just the same undefined situation as before with ever increasing numbers. Many parents would feel supported with more frequent visits. Often provision deemed to be working suitably in previous year so coded for an annual visit has broken down. This is particularly the case between KS3 and KS4. Parents "intend" to do an academic KS4 with GCSE course, then find it difficult to arrange and costly. An annual visit only picks this up later when more practical subjects and extended work experience could have been carried out.

The guidance is unfortunately only in advice format. It gives the LA little substance to assist in defining "suitable and efficient". The guidance on flexi-schooling is interesting but difficult and complicated to arrange. It is of concern that LA's can be compromised into having to leave head teachers and teaching bodies to formulate crucial and difficult decisions which could heavily impact on their schools. There are no references to the e-learning packages that can be purchased by parents or to the wealth of information available on sites such as Learn Premium.

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☐

Yes

☐

No

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