

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.

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 Worcestershire County Council
 Organisation (if applicable) Worcestershire County Council
 Address: [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

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"/>	Individual	<input type="checkbox"/>	Representing	<input type="checkbox"/>	Local authority
<input type="checkbox"/>	Other (please specify)				

Please Specify:

[Redacted]

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



No

Not Sure

Comments:

It is important for Local Authorities to have guidelines to develop effective policies and procedures. However, these guidelines need to be clear, concise, specific and accurate and not open to extreme interpretation. The guidance needs to reflect current legislation and meet the aims of the national agenda's and priorities such as, Every Child Matters and Working Together to Safeguard Children.

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



Not Sure

Comments:

There is no definitive meaning to effective and suitable education. This description is too vague and is unworkable as the LA do not have the right to visit or meet with parents and children, and the only submission being the parent's philosophy. Relying on the good will of parents to submit reports that vary accordingly from detailed descriptions of activities, resources used and progress made to simple descriptions of what the child has done. In order for the LA to meet statutory obligations and to prevent parents feeling intervention is intrusive, guidance should be issued regarding minimum standards i.e. formats for reports and practical examples of appropriate material for submission keeping the child central to the objectives, emphasising that the child is receiving an appropriate education which meets the Every Child Matters Agenda and Safe Guarding initiatives and that prepares a child for later life whilst accommodating the family philosophy. More importantly this will prevent conflict between families and LA's and the sometimes unfair criticism levied at both parties as each interprets in their own way the legislation.

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

Yes



Not Sure

Comments:

It is very difficult to develop accurate information for families when the national guidance is unclear. Different Local Authorities interpret the description in different ways thus causing a 'post code lottery effect' which further alienates parents.

The use of the phrase 'reasonable progress' is undefined. Local Authorities cannot identify 'reasonable progress' through one annual report and/or submission of a 'couple' of pieces of work. Also, Local Authorities have no proof that the reports/work submitted is that done by the child.

Another example of interpreting guidance, which leads to conflict as the parent's feel the LA's actions are intrusive and unsupportive providing no real benefit ie funding or resources. Many consider that their children have been failed by a system which is making yet further demands. A clearer description and definition will encourage closer working and more trust keeping the child central to the objectives.

Section 2.7 contradicts 2.5 as it states that LA can intervene if they have good reason to believe that parents are not providing a suitable education however LA have no right to monitor progress whereas 2.5 states that children should make reasonable progress. The quality of the educational provision is difficult to identify through limited contact with families. Educational experiences have been extremely negative for them, therefore building the child's trust and confidence is paramount whereas, educational attainment is of secondary concern, however a compromise has to be reached.

2.11 does not reflect Every Child Matters and Working Together to Safeguard Children. Whilst respecting the rights of parent's the rights of the child have not been taken into consideration. Local Authorities should be, under ECM and WTSGC proactive in seeking views and promoting the welfare of children and are therefore unable to do this without having the 'right' to see the child.

Whilst we acknowledge most families provide a 'good' education there are some families who require further support in order to help them to fulfil their ambition to provide a good education. It would therefore be most helpful if LA could be provided with minimum standards.

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

Yes



Not Sure

Comments:

3.4 positively sets out the duty of the LA although contradicts with 2.7 as 2.7 states that LA have no right to monitor educational provision, whereas 3.4 states 'those monitoring education provision should seek advice from the Traveller Education Support Services.

3.4 also suggests discrimination towards travelling communities as they should be treated the same as any other Home Educating family.

3.6 does not present clear guidelines on what may justify 'reasonable concerns' or efficient and suitable. Infrequent contact with families does not enable LA to identify efficient and suitable education as the progress made is difficult to identify.

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



Not Sure

Comments:

The guidance provided in this section is clear, however, places more emphasis on what parents are not required to do rather than what they are. It would be helpful to make this paragraph positive by stating what parents may wish to consider.

3.12 suggests LA should take into consideration a range of information from home educating parents, however, current legislation states parents are only required to submit a parental report philosophy. There should be more guidance provided on what a 'report' should contain.

3.13 contradicts 3.12 as it suggests that LA should 'reasonably expect' parents demonstrate characteristics whereas 3.12 suggests LA need to recognise that home education has different approaches. This needs clarifying further to ensure parents are aware of their role in providing their child's education.

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

Yes

No

Not Sure

Comments:

This sections provides effective guidance on developing effective relationships, however, child protection issues are not easily identifiable through little or no contact with parents and their children. This does not reflect Every Child Matters or Working Together to Safeguard Children.

Ensuring appropriate and effective guidance will again ensure the child is central as all participants in the process work together effectively to support the child and family in an acceptable manner appropriate to all. Intervention should not be regarded as a criticism or a threat but as support.

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



No

Not Sure

Comments:

Yes, although for ease of reference they should be categorised and in alphabetical order.

7 b) Should any other contacts be included?



No

Not Sure

Comments:

It is useful to provide parents with useful contacts resources, but we must stress that they do not have to use these so they are not restricted to solely these contacts.

We must also ensure that the contacts/resources provide are 'quality assured'.

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

Comments:

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?

Yes

No

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

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
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6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

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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.X

Name

Organisation (if applicable) Wolverhampton City Council (Local Authority)

Address:

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

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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:

The principle of issuing guidelines is helpful, however they simply reinforce current practice. It is very disappointing that although the Regulatory Impact Assessment acknowledges some of the difficulties faced by LA's in balancing the welfare of children against the absolute rights of parents, the guidelines do nothing to address the issues raised. The guidelines do not give practical advice in dealing with cases where parents have elected to home educate but are incapable of, or unwilling to, fulfil their responsibility to educate their children. The DfES needs to recognise the extremity of inadequate parenting in some of these cases and put the welfare of the child above the right of the parent.

The impact assessment talks about a "small minority" of parents unable/unwilling to provide a high quality education, and a small, but increasing number of parents withdrawing children to avoid School Attendance Orders. Although the numbers may be small relative to the whole school population, these cases are undoubtedly increasing. These are some of the most needy and vulnerable children and the DfES needs to acknowledge that in these cases the parents are not reasonable, responsible and genuinely concerned about their children's education. They often have low levels of literacy, mental health and social problems. These are families where expectations are very low. There is no practical advice on safeguarding these children and ensuring that they thrive under the "The Every Child Matters" agenda. The law on EHE does not support the ECM, or the Safeguarding agenda in any way; in fact it works against these two key initiatives.

There is a desperate need for clarity about parents' responsibilities and what constitutes a "suitable" education. There is also a pressing need for some legal powers or duties for LA's to take action to champion the rights of these children who are receiving no education (which is their right under the Human Rights Act).

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:

This section of the guidance does accurately state the law: the problem is that the law itself is not clear. Clear definition of a "suitable" education is needed (see response to Question 5). This would be helpful to parents in clarifying their responsibilities and to LA's in identifying unsatisfactory provision. Schools are subject to Ofsted, but parents are accountable to no-one. Many children are being denied the right to an education because parents are exercising their right, but not their responsibility, under Section 7 of the act.

A well defined balance of rights and responsibilities in terms of the parent and the LA is needed, clearly placing the emphasis on the welfare of the child. Safeguarding is not taken into account in current legislation. The LA has responsibilities and duties in respect to safeguarding children, but because it has no rights in relation to home educating families, it cannot effectively discharge them. There is clear imbalance, contradiction and inconsistency in government directives and legislation.

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:

The description of LA's responsibilities may be accurate, but it is not helpful and is inconsistent. The majority of LA's have a very balanced view of Home Education and provide good quality information to parents, actively supporting them in their choice. LA's are well aware of the diverse approaches of families who are genuinely home educating and recognise this in their communication with them. LA Officers build strong and positive relationships with these families.

It is very unhelpful, for example, that (Para 2.6) the duties in Statutory Guidance relating to Children Missing Education do not apply to children educated at home. Given that some of these children are the most vulnerable and at greatest risk of missing education, it seems obvious that the duties should apply to them. The guidance is actively working against safeguarding these children.

Para 2.11 is also totally inconsistent and contradictory. How can the LA "exercise its duties with a view to safeguarding and promoting the welfare of children", if the LA has no power to see or monitor children who are educated at home. How can the LA be sure that these children are safe, well, thriving, achieving or even alive? If families choose to home educate, it is possible for them to completely "disappear" from the system and there may be no professional from any agency engaged with that family. This can place children at significant risk and this LA, and others, have case studies which substantiate this,

The guidelines make reference to School Attendance Orders as a last resort, but these are lengthy, cumbersome and expensive. Establishing the evidence (or lack of evidence in many cases) of education can take many months or even years if a family persistently evades LA contact; a suitable school needs to be identified in advance of an Order and again this can be time consuming. Where a young person is in KS4, by the time the procedure has been followed the young person will be very close to leaving age and at the end of this process, if the parent fails to comply with the order, the penalty is a £50 fine. This will not achieve the intended result of securing an education for that young person. A parent who is unable to ensure their child attends school, has already been prosecuted for non-attendance and has a history of non-cooperation with the Local Authority is unlikely to be deterred by a School Attendance Order. The legal process will not solve the problem of inadequate parenting.

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:

Again this section is accurate, but not necessarily helpful. It reinforces parents rights not to cooperate with the LA. This LA and most others will be already following the procedures outlined. Again it should be emphasised that this LA makes positive and supportive contact with home educating parents, developing strong and excellent relationships. This LA shares best practice with others and has a detailed policy based on the draft guidance.

Experience shows that the parents who welcome contact with the LA are the responsible parents who are able to deliver a satisfactory or high quality education. How, for example, can a parent who has low levels of literacy respond to enquiries and produce evidence? There are many examples of such families choosing to home educate and clearly this would "cast doubt" on their

ability to provide a suitable education. How can the LA take action when such families fail to respond over the course of several months to repeated enquiries? This is not an exclusively a problem amongst Traveller families, as the guidance seems to imply.

This LA has a very good relationship with the Traveller Education Service in terms of home educating families and works very closely with them; however the fact remains that both traveller and non-traveller families are using the existing law to avoid school attendance. The Arthur Ivatts report quoted contradicts the DfES guidance. What is the basis for the statement that "we do know that there will be Gypsy, Roma and Traveller children who do receive a good education at home"? This is very confusing and vague. This section is not at all clear in establishing procedures for working with home educating traveller families.

In the meantime, children are not receiving the education to which they are entitled and although they may be being prepared for life in the community of which they are members (i.e. a community which does not place high importance on education or employment) the situation may well "foreclose the child's options in later years..." (Para 2.3).

This section of the guidance seems to assume again that all parents are responsible and willing to respond to LA's which is clearly a distortion of the true position. Case histories demonstrate that this is not the case.

As has already been stated, School Attendance Orders will be highly ineffective in these situations, particularly when families are highly mobile. This is a wholly inadequate mechanism to deal with the problem.

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:

Again this section is accurate, in as much as it restates the law and reinforces what parents do NOT have to do (Para 3.11) . This LA and most others have a clearly policy of offering support and advice on educational matters, on request and are well aware of the broad range of ways in which parents may provide information.

Para 3.10, which has been overlooked in the consultation, is particularly vague and can be easily exploited by manipulative parents who can use it as a delaying tactic. It seems entirely reasonable to expect that responsible parents who are choosing to home educate will have given careful consideration to the approach and methods to be used, even if this is a child-centred and unstructured approach and will be able to describe this if requested to do so.

Para 3.13 is disappointing. The characteristics are an improvement, but seem to characterise parenting generally rather than education. They are of limited help because they do not give a clear message to parents about their educational responsibilities. The paragraph is too vague to be really meaningful in helping LA's decide whether education is "suitable". The decision still relies on the professional opinion of the LA Officer, who has no clear criteria against which to measure this provision. For example there is no explicit mention of progress in literacy or numeracy.

The aspirations of children will often be a reflection of parental expectations and may therefore be very low if parents do not value employment or education and children are not in an environment where they are exposed to wider opportunities. The cycle of under-achievement can be perpetuated in this way, which works directly against the Every Child Matters agenda.

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

☒ Yes

☐ No

☐ Not Sure

Comments:

Section 4 may be helpful to unenlightened LA's who seldom have contact with home educating families, however in the case of this LA it restates our current good practice. This LA has produced a comprehensive policy and a detailed and impartial information guide for parents which reinforces the DfES guidelines. These are aimed at promoting and developing positive and supportive relationship with home educating families. It should be emphasised again that relationships with responsible parents in this LA are excellent, but once again the balance of this section of the guidance is weighted heavily towards the rights of parents and how the LA should behave in respect to those rights. There is still an absence of discussion parental responsibility.

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

☒ Yes

☐ No

☐ Not Sure

Comments:

Yes the resources are helpful, but they will need to be monitored to ensure that they are up to date and relevant. The best source of information is often families themselves

7 b) Should any other contacts be included?

☐ Yes

☐ No

☒ Not Sure

Comments:

Possibly a contact list/database of LA Officers with designated responsibility for EHE. Although most LA Officers will know their counterparts in neighbouring authorities, it could be helpful to know who to contact in other parts of the country. This may not be practical or easy to achieve.

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

Comments:

The guidelines will be read and responses will be received from concerned professionals and from responsible Home Educating parents, keen to protect their rights.

The DfES will only hear of difficult cases and understand the scale and complexity of the problems created by the loopholes in the current legislation through more detailed, direct and widespread research amongst LA's. This LA would welcome the opportunity to take part in such research.

Again it should be emphasised that there are a large number of responsible parents exercising their right to home educate and this LA is very supportive of them and has developed excellent relationships with them.

The scale of the problem of inadequate parenting and misuse of the law, however, cannot be quantified unless LA's know who all home educated children are. It is clear from the Partial Regulatory Impact Assessment that the DfES recognises the problems, but the two "benefits" of this consultation identified in the Assessment are questionable if no enforcement of the guidelines or changes to the law are planned.

The guidelines simply reinforce the status quo.

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 -Yes X

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?

X Yes

☐

No

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

Name

Organisation (if applicable) Kirklees Children & Young People Service

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

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Which of the following best describes you:

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

Please Specify:

[Redacted]

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

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Comments:

Clarification of roles/responsibilities needed to increase understanding/confidence of all parties; consistency of approach needed to allay concerns of parents.

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

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Comments:

'Rights' & 'responsibilities' seem somewhat open to interpretation - further examples of case law would be helpful.

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

Comments:

Accurate, but perhaps not as helpful as could be wished re the possible conflict between rights of parents & safeguarding issues. Recognition that as education should be ongoing, LAs need to proactively 'monitor' on a regular basis, would be useful.

RE 2.6. : As we know, there are children who may be "receiving education" but who are not known as such, as their parents are not obliged to register as EHE with the LA. It would be helpful if the document could spell out the mechanism by which the LA will be able to find out whether these are children who are missing education or children who are receiving suitable and efficient 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:

As above. Agree that most parents in our authority welcome regular contact – just a tiny minority who don't engage. Could the 'risk-based approach' be clarified further? How can risk be properly calculated with no access to the home or child?

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?

Comments:

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

Comments:

Building strong relationships is vital – new home educating parents who may be wary of LA intervention can then hopefully be reassured by others' experiences. However it goes both ways – more explanation of the safeguarding responsibility might help parents understand & appreciate LAs concerns rather than feeling defensive about regular approaches.

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

Comments:

7 b) Should any other contacts be included?



Comments:

Useful websites.

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

Comments:

It is reassuring that a cooperative, supportive approach to EHE is reaffirmed by the guidelines – this has always been the aim in Kirklees LA.

It is disappointing that the issues of access/engagement, & what constitutes a 'suitable' education, still cannot be legally clarified. Without this, there are still cases (admittedly a small minority) which will continue to cause concern, or at least unease, with regard to the ECM agenda. It seems that we (as monitors of EHE) have a massive responsibility without any accompanying right to ensure that the needs of these children are being addressed (never mind met).

It might be helpful if the document contained case studies of good practice in LAs, to exemplify how the guidelines might work in practice.

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.

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Which of the following best describes you:

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

Please Specify:

[REDACTED] Milton Keynes LEA [REDACTED]
[REDACTED]

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

Comments:

We do find it helpful, and it is presented in a readable form.
This guidance showed evidence of having listened to the feedback on the first draft of the guidelines.
It also acknowledges existing good practice.
We note there is nothing new.

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

Comments:

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

Comments:

2:4 The 1996 Education Act allows LEAs to spend some "reasonable" money on Home Ed. We discussed the case for public funding of Home Ed students' exam entries, perhaps via a voucher system, and would invite you to consider this.

2:5 We offer an improvement of the wording of the last sentence of this paragraph:

"What is suitable for one child may not be for another, but all children should be involved in a learning process."

This wording we think indicates progression more positively and removes the awkward to define "reasonable".

2:7 We would amend the first sentence to **"Local Authorities have no statutory duties in relation to monitoring home education."**

Exceptions are covered immediately after so the additional wording is superfluous and could be confusing.

2:11 **We agree this section highlights a difficult area which needs further thought.**

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 We have a positive relation with traveller families in this area. We feel the quotation **"few Gypsy/Roma and traveller parents have the knowledge, skills and resources to provide or deliver a full-time education that is efficient and suitable"** should be removed. It is inappropriate, based on a small study by one person and is given disproportionate weight when presented in this context.

3:6 We felt the wording of the second sentence was prescriptive and could be better expressed thus: **"Contact should normally be made in writing to the parents to request further information."**

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?



Comments:

3:12 and 3:13 are helpful though some home ed. families could find them potentially prescriptive.

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



Comments:

4:6 matches very closely with what happens in MK.

4:10 Measures are in place in MK to process CRB checks for qualified teachers (not currently working for LEA) who have been asked to work as tutors with home ed. students.

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



Comments:

We are reviewing websites mentioned and will add some to our current list.

5:2 Some interesting ideas for exploration...cost analysis will be needed of course.

5:5 re the Connexions service, please note there was some concern expressed by the Home Ed families about how this process might be handled.

7 b) Should any other contacts be included?



Comments:

We have come across an organisation that caters for the gifted and talented children. It can be of help to that category of child in Home Ed. Most such orgs are exclusively linked to schools. This one will support Home Ed students:-
NAGC Youth Agency

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

Comments:

Re 1.4

We take the point about the authority's primary interest being the suitability of parents' education provision. But we also have an overriding responsibility to "safeguard and promote the welfare of children". (2.11)

So, we wonder if there is work to be done with staff in schools, nationally, who may be talking to families whose children are in crisis in school. Sometimes, perhaps, neither party is fully aware of the range of alternative provision within the LEA system. Maybe, for some parents who would find it difficult to provide efficient and suitable Home Education, these provisions within the LEA could be a more appropriate option.

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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☐ ☐

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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

Consultation on Home Education Guidelines

Consultation Response Form

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

Name

Organisation (if applicable) Bracknell Forest LA

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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: **Local Authority**

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

Comments:

Question 1: Yes, it is helpful and necessary to have guidance, although parents who are resistant to local authority involvement may rightly point out that it is simply guidance and has no legal force. In our view guidance on its own is not sufficient and consideration should be given to strengthening the legislative framework.

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

Comments:

Question 2 on Para 2.1 – 2.3: The section on the law is basically clear. However, the introduction refers to parental responsibility for ensuring their children receive a suitable education. This should read suitable **full-time** education. More generally, the guidance uses variously *suitable* and *efficient* interchangeably. There is a difficulty that Section 7 of the Act uses the phrase “efficient, full time education”, whereas Section 437 of the Act uses the phrase “suitable education”

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

Comments:

Question 3 on Para 2.5 – 2.11: Para 2.7 – the words in bold (“**if they have good reason**”) do not appear in the legislation and should not be highlighted in a way that implies that this is the prime test for local authority action or intervention.

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

[REDACTED]

Comments:

Question 4 on Para 3.4 – 3.7: Para 3.4 is unclear – is it saying that the circumstances within some communities might or might not require particular approaches? The Victoria Climbié case showed that over-sensitivity to the cultural approaches within different communities can in fact lead to harm to the child.

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?

[REDACTED]

Comments:

Question 5 on Para 3.11 – 3.14: Para 3.11 fails to give the full requirement on a parent as set out in Section 7 of the Act "... efficient, full-time education, suitable to (a) his age, ability and aptitude and (b) to any special educational needs he may have".

Para 3.14 sets out that where suitable characteristics appear to be lacking, local authorities may choose to further investigate whether or not an efficient and suitable education is in fact being provided. The overall tone of the guidance seems to give insufficient emphasis to the need to investigate where it appears proper arrangements are not being made. Para 2.7 rightly sets out the provisions of Section 437 (1) of the Act, but this aspect is given insufficient coverage in the main body of the guidance. Too much emphasis is given to the rights of the parent and insufficient emphasis to the rights of the child to receive education, and for the local authority to act, at least in part, as guardian of that right. It would be interesting to see how the Courts would consider a claim in future years by a child in their adult years that a local authority had not done enough to ensure that the parent provided suitable, efficient education.

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

Comments:

Question 6: Section 4 is generally appropriate.

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

Comments:

Question 7: Para 5.11 might give the impression that local authorities should adopt a "softly, softly" approach to Gypsy, Roma and Traveller families, or even a "hands off" approach. The Climbie case highlighted the dangers of a false sensitivity to perceived cultural considerations, (in her case in relation to punishments within a family) with disastrous consequences for the child. The local authority cannot reduce its duty of care to any section of the community.

7 b) Should any other contacts be included?



Comments:

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

Comments:

No consultation question has been asked about **Para 3.15 to para 3.19**. These generally give an appropriately robust statement of the role of the local authority in overseeing and securing proper education for a child, albeit in the special circumstances of a statement of special educational needs being in force. Monitoring would be extremely difficult in circumstances where a parent does not comply with the LA.

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.

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Please tick if you want us to keep your response confidential.³

Name

[REDACTED]

Organisation (if applicable) London Borough of Newham

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

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Which of the following best describes you:

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

Please Specify:

Local authority officer

[REDACTED]

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

Comments:

A clearer legal framework would enable local authorities and home educating parents to work more co-operatively.

It would be helpful if the following areas could be clarified: -

- i) Do the guidelines clarify child protection responsibilities?
- ii) Can the criteria against which local authority officers are expected to monitor be clarified? The present wording is very loose ie there is an expectation that parents provide an efficient education appropriate to the child's age, ability and aptitude.
- iii) Is there any assumption that local education officers will meet with home-educated children? If so, should officers be able to insist on home visits?
- iv) What are the responsibilities of local education officers when health or social services colleagues inform them that a child is being home educated? Should any action be taken if the parents insist that they want no contact with the local authority?
- v) If parents are being prosecuted for the non-attendance of their child can they, at any point, say that they are home educating and thus avoid prosecution?
- vi) Will this consultation more fully involve Roma and Traveller parents as well as parents from various Faith groups? Many of these parents do not belong to Home Education Support Groups and their opinions are frequently not sought.

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

Comments:

The guidance omits key legislation relating to the duty to safeguard and promote the welfare of children and young people ie Children Act 2004, Section 11.

The lessons learnt from the Victoria Climbié case and the Every Child Matters agenda are not tackled in these Guidelines.

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

☐☐

Comments:

It is not clear what action can be taken when parents refuse to provide information.

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

☐☐

Comments:

This is a weak section that assumes that parents will willingly engage with local authority officers.

A key concern is the inability of the officer responsible for home education to insist on seeing a child, rather than just their school work.

Another concern is that schools can take a child off their register before it is confirmed by the LA that they are receiving home education.

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?

☐☐

Comments:

Children who are home educated should not receive less protection than children who attend school.

Where there have been school attendance concerns, some parents decide to home educate, following pressure by EWOs.

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

☐☐

<p>Comments:</p> <p>Relationships can only develop if there is an expectation that parents will engage with local authorities.</p>	
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7 a) Are the suggested resources in section 5 and appendix 2 useful?

<input type="checkbox"/>		<input type="checkbox"/>
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<p>Comments:</p> <p>The child's viewpoint should be sought. Some children have stated that they would prefer to return to school. They state that they are bored at home and miss their school friends.</p>	
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7 b) Should any other contacts be included?

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

Faith groups other than Christian should be included. (The majority of home educating parents in my authority are Muslim.)

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

Comments:

This Consultation appears to ignore the diverse nature of home education. Some families only home educate as a last resort following difficulties at school. These parents struggle to provide home education. This would particularly appear to be the case for Gypsy, Roma and Traveller families who, across the country, frequently attempt to home educate following experiences of social exclusion and racial discrimination by schools.

Home education is often portrayed as innovative and pioneering. However, in this authority most families seek to replicate the traditional teaching that they have experienced at school. Workbooks and worksheets, mainly from WH Smiths are commonly used and there is little evidence of the new or radical approaches to learning.

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