

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

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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) Northumberland County 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"/>	

Please Specify:

[Redacted]

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



Comments:

These guidelines are almost exactly the same as the draft guidelines written nearly 3 years ago for which we have been awaiting formal consultation and confirmation.

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:

Information as written is clear, however, see below.

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

Comments:

2.5/6 Parents are not required to inform the LA they are home educating their child or children if they have never been on roll of a school. How is the LA to build up a supportive relationship with parents in this position if it is not known they exist and how will we be able to identify them as not missing education if parents are not required to inform the LA intentions. I consider that the nos of home educated children may be considerably higher than we realise. If home educated youngsters move out of our LA without any indication of their future whereabouts I count them as part of my statistics for children missing from education.

2.7 No stat duty to monitor quality of education on a statutory basis,- how does this comply with the Education and Inspections Act 2006,-..."duty on local authorities to promote high standards and, for the first time, the fulfilment of *every child's educational potential*.

How are LAs to have any indication of education at home if parents are not required to respond to queries re provision and will not provide any information. I understand that the charity, Education Otherwise advises parents that the interpretation of the law as it stands is that they do not have to have contact with the LA or provide any relevant information re provision as LAs must assume this is suitable unless there is information to the contrary.

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

Comments:

See above,- The law as it stands in this guidance puts LAs in a difficult position, and can be confusing for them and parents.

2.11- Promoting the safety and welfare of children,- I appreciate that LAs cannot extend their functions, however, this year Eunice Spry was found guilty of abusing and chronically neglecting 3 children, all of whom were home educated. We do not know how many home educated children wish to be home educated, they do not have the opportunities to be supported by school counsellors, teachers, or mentors, they may not have opportunities to have contact with other adults or children, and a report written by a parent re provision may sound suitable but may not be what is happening in practice.

I am a strong believer that parents should be able to choose to take responsibility for their child's education, however I consider that this should be balanced with statutory powers of LAs which should be strengthened so that

there is annual confirmation that each home educated child is healthy, is being provided with suitable education and is willing to continue education at home.

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. 13 Some parents have refused to indicate that these characteristics are part of the provision for their children, on the basis that the LA must assume the education provided is suitable unless we have reason to believe otherwise. They have emphasised that they are not required to give us any information.

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

Comments:

Our LA has a good relationship with most of our parents,- but see above.

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

Comments:

7 b) Should any other contacts be included?

Comments:

We have a comprehensive list already available for parents .

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

Comments:

The nos of home educated children with special needs have risen this year. I am not certain what help the LA could/should provide to assist parents to provide suitable education at home. The financial implications are not clear.

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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Send by post to:

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

Name

[REDACTED]

Organisation (if applicable)

Dudley

MBC

[REDACTED]

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

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

Comments:

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

Comments:

It has always been confusing about what efficient and suitable means and even with this explanation there is concern about what constitutes suitable particularly for pupils who are being EHE who would normally have attended a PMLD or SLD school. We are also having concerns about children with ASD who are being educated at home with little access to social activities and friendship and peer groups.

We have some parents who have cultural concerns relating to their child attending a special school.

We have some parents with special needs of their own e.g. high functioning Autism who cannot empathise with flexible curriculum, play based

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

YES

Comments:

We are concerned that there is or can be a disagreement with parents over what constitute reasonable progress.

An example might be the case of a very young ASD pupil who parents also appear to be on the spectrum is being guided through a programme of rote learning as experienced by one of the parents in the [REDACTED]. Progress is being made with the rote learning but it is meaningless without the underlying understanding. Professionals from speech and language therapy and also outreach teams feel that the focus should be on developing social skills and play skills. This places the LA in a very difficult position who do not believe that the progress being made is of any real use in the preparing the child for a future. Valuable time is being lost while the child is so young.

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 LA has at least Annual contact with parents of pupils with a statement of SEN.

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:

We are very concerned about what passes for an education.

Some parents use EHE to avoid prosecution which then causes a huge amount of work for Officers in taking the appropriate measures to return a pupil to school.

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

Yes

Comments:

The Local Authority is walking a fine line with some parents. For the sake of the pupils progress and well being contact is essential.

However in some cases this is tantamount to setting up a school at home which in some case ay not be cost effective. Providing Speech and Language therapy at home for example is not as cost effective as providing this within school.

There are concerns regarding at which point does keeping child at home and sometimes away from its peers become a child protection issue. Similarly where a child is being provided with an inappropriate curriculum which will not meet its long term needs has been very challenging. When advice is given in these circumstances it may not be heeded.

I would anticipate using the regional mediation services to work with parents as a starting point to encourage parents to re-engage.

My instinct is that if cases where the local authority were concerned were taken to court, the outcomes would tend to err on the side of the parents and may not consider the long term interests of the child as identified by education, health professionals.

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

YES

Comments:

7 b) Should any other contacts be included?

Yes Yes

Comments:

Probably!

Some case work might be helpful.

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

Comments:

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Please acknowledge this reply

☐

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Name

Organisation (if applicable) Lancashire County 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

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Fax: 01928 794 113

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

Which of the following best describes you:

<input type="checkbox"/> Home educator	<input type="checkbox"/> Organisation representing home educators	<input checked="" type="checkbox"/> Local authority
<input type="checkbox"/> Other (please specify)	<input type="checkbox"/> Other (please specify)	

Please Specify:

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 guidance to Local Authorities is good – however it is our view that the guidance should incorporate a much greater emphasis on safeguarding – we feel that the current guidance document is inadequate in this respect, given that it focuses virtually singularly upon the “educational interests of children and young people” and the “suitability” of such provision rather than looking at the wider context of Every Child Matters and safeguarding.

The Partial Regulatory Impact Assessment for Elective Home Education Consultation states that the objective is “to ensure that all children who are being educated at home receive a full-time, high quality education which is suitable to their needs”. We do not believe the guidance in its current form is likely to achieve this objective.

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:

The description of education law is accurate as it stands. However, although some references to child protection issues are included later in the guidance the failure to include reference here to legislation around safeguarding and child protection, as well as issues around listening to the views of children and young people gives a one sided perspective on the law that might relate to children whose parents elect to home educate. There appears to be little recognition of Every Child Matters issues in this section.

If this is to be a comprehensive statement of legislation relating to children who are home educated, then reference to legislation should possibly also include clarity that the law and regulations around children in employment and children in entertainment apply equally to children who are home educated as to children who are in schools (eg prohibition on working during school hours even though such children do not attend school).

It is hard to agree that the description of the law is “clear” given the wording of

paragraph 2.3 which is not at all clear, and not very helpful. The definition of "community" is not clear.

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:

This section is not helpful as there is no clarity or common understanding of what minimum standards of educational provision should be expected. Whilst it is good to see reference to the fact that LAs must be satisfied, in the absence of any criteria or benchmarking it is difficult to identify what measures would be used to enable the LA to reach any reasonable conclusions and to ensure some equity of practice across the country.

It is very regrettable that there is no requirement for parents who elect to home educate to notify the LA – this is likely to result in first contact between LAs and such parents being negative as LAs will be seeking information regarding such pupils in order to confirm that they should not appear on the Children Missing Education database – it would be far more positive if parents were notifying the LA where they elect to home educate as a child becomes of compulsory school age. Section 2.6 is potentially misleading, as it is difficult to see how, in the absence of information from parents that their children are being home educated, failure to register children at school would not result in such children being at the very least subject to enquiries under CME arrangements.

Although the document refers to local authorities' responsibilities, it appears to focus solely on the role of the former education authority's involvement, rather than acknowledging the wider role of Children's Services Authorities around safeguarding and the whole Every Child Matters agenda. Local authority staff visiting families who elect to home educate cannot merely consider the limited legal duties of the local authority around education legislation but must discharge their duties having regard to the welfare of these children and this could lead to tensions which are not acknowledged in this section.

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:**

This section does not really reflect the Every Child Matters agenda, nor does it really assist LAs in terms of how they might reach a judgement that an appropriate education is not being provided.

It might be useful to include some guidance on what information LAs might wish to record in terms of any such contact.

The suggestion that a child need not attend any meetings is a potential concern – is that judgement reached by the parent or the child – this may be problematic where the preferences of the parents to home educate do not match the wishes of the child. We feel that as a minimum some contact with the child should be expected – look to the West family scenario as evidence of why this should be required. Again, it is important to note that LA staff cannot only consider contact with the family in the light of education issues but must consider the wider issues of the best interests of the child and safeguarding duties.

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:

It seems strange that although education provided for children who attend school is subject to rigorous monitoring and inspection arrangements, that provided for children who are home educated is subject to much less rigour.

The guidance in this form is unlikely to help LAs to either reach a meaningful conclusion that provision is unsatisfactory or to investigate effectively. The absence of a meaningful definition of full time education as applicable to the pupils is not helpful – we feel this should be clearly identified. There are also issues re the use of private tutors and child protection arrangements – staff in schools required to be CRB cleared – should there be a similar requirement for these pupils.

It is very difficult, in the absence of any agreed standards or benchmarking, to establish how the LA is going to reach a conclusion that the provision is unsuitable.

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

☐

Yes

☒ No

☐

Not Sure

Comments:

This section does not appear to acknowledge the complexities for staff working in LAs who are seeking to safeguard children, to work within the duties and powers of the Education Acts 2002 and 2003 and the Children Act 2004 – there are potential tensions between messages to parents about LA staff having limited powers and duties under education legislation to intervene in respect of home educated pupils, set against duties for the same staff under child care legislation.

This section also appears to give families who so choose to avoid engagement with the LA – would be of concern where families believed to be opting for home education for example to avoid prosecution for non-attendance etc

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

☐

Yes

☐

No

☐

Not Sure

Comments:

Flexi-Schooling – the references to this are very limited given the potential implications for schools and LAs and we feel this area requires far greater clarity and guidance than is included in this document. At the very least, clarity is required on whether such pupils are subject to the requirements of the National Curriculum.

Work experience – further guidance on how this might be managed would be useful as we have so far been unable to identify how these pupils could be supported in work experience placements.

The resources seem useful but they would need to be constantly updated. The elinks in Annex B were considered useful.

7 b) Should any other contacts be included?

☐

Yes

☐

No

☐

Not Sure

Comments:

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

Comments:

There appears to be an assumption within the whole document that all parents who elect to home educate their pupils do so in good faith and with every intention of making such provision. Whilst this is likely to be true in the majority of cases, there are some cases (however few) where parents so elect to avoid the consequences of prosecution for non-attendance etc, and the assumptions within the guidance compromise the LA's ability to intervene effectively and promptly in such situations.

Section 2.4 – no questions were asked but this is a crucial issue. The failure to require parents to register is a concern – especially as section 2.6 is very misleading. Whilst it is clear that children whose parents have opted to home educate should not be placed on the list maintained by the LA of children missing from education, it is impossible to see how they can be omitted from that list until such time as a parent confirms they intend to so educate their child – surely it would be more productive to require parents proactively to register their children as such, rather than having to respond to enquiries from the LA as to why such children appear to be missing from education.

No question was asked about the accuracy of sections 3.8 – 3.10 but the legislation referred to in 3.9 is inaccurate in that these regulations have been repealed and replaced by new regulations which came into effect on 1

September 2006 (section 8 of the new regulations applies here).

Similarly no question was asked about sections 3.15 – 3.19, regarding children with special educational needs whose parents choose to home educate. Again, it is unfortunate that in the absence of a requirement for parents to notify the LA that they intend to home educate, there could be pupils whose special educational needs are not even identified by the LA as we are unaware of them and unable to identify any special needs they may have.

Training – it might be helpful if the DCSF produced training materials or courses for teachers who are monitoring EHE provision on behalf of LAs.

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xYes

☐

No

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

Name

[REDACTED]

Organisation (if applicable) Lambeth Childrens & Young People's Service

Address:

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

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

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Which of the following best describes you:

<input type="checkbox"/> Male student	<input type="checkbox"/> Graduate student	<input type="checkbox"/> Faculty
<input type="checkbox"/> Researcher	<input type="checkbox"/> Other (please specify)	

Please Specify:

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

☒ Yes

☐ No

☐ Not Sure

Comments:

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:

The description of the law is accurate and clear although if referred to in isolation it does not impressed upon all parents of education provision and is still open to be interpreted by parents to suit their needs. It is difficult for the LA to exercise their right to establishing whether education provision is 'efficient' and 'suitable' without the legislation to support this. Further information relating to this point is outlined in response to question 3.

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 LA accepts that the description of local authorities' responsibility is accurate but not extremely helpful. This clearly sets out what the local authority should provide for parents, setting out the legal position, roles and responsibility, of which many local authorities already do. The new duty under the Education and Inspection Act 2006 whereby the LA need to identify CME or in danger of ME is rather contradictory to the point in 2.7. If the LA has no statutory duties in relation to monitoring the quality of home education on a routine basis this can be used by parents to resist any efforts made by the local authority to establish whether the child is receiving 'suitable' and 'efficient' education or in some cases whether there are any child protection issues which need to be addressed. Given that recent legislation such as the Children Act 2004 and Every Child Matter and related statutory guidance it would have been more helpful to strengthen to role of the LA in dealing with home education. The range of powers such as School Attendance Orders are helpful, however some of this could be prevented if the role of LA was strengthened through statutory guidance or legislation.

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:**

The LA accepts that the information may be accurate however it is our view that this leaves local authorities in a weak position. The suggestion that the LA should take a 'risk-based approach is based on information openly available to us. However, it may be that in some cases this information is not readily available and could only be gathered through making enquiries which might include meeting with the child and the parent, which can be refused by parent according to the law and guidance.

Whilst accepting that this may only be in a limited number of cases, it does cause the LA real concern in relation to safeguarding children and ensuring that education provision is line with the guidance. It would be more helpful if the LA role was strengthened through statutory guidance as stated above.

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:

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

☒ Yes ☐ No ☐ Not Sure

Comments:

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

☒ Yes ☐ No ☐ Not Sure

Comments:

7 b) Should any other contacts be included?

☐

Yes

☒ No

☐

Not Sure

Comments:

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Comments:

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xYes

☐

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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

The closing date for this consultation is: 31 July
2007

Your comments must reach us by that date.

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

Name

Organisation (if applicable)

Address:

[REDACTED]
Westminster City Council

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"/>	

This is a joint response from Westminster LA and elective home educating parents

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

☒ Yes

☐ No

☐ Not Sure

But as they are not being enforced, it leaves 'grey' areas which are open to interpretation and misunderstanding.

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

The description generally helps to clarify the situation

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:

Section 2.5: Remove the words 'but all children should make reasonable progress'.

Section 2.7: Delete the words 'on a routine basis' as this implies a duty to monitor where one isn't present. Remove the words 'if they have good reason' and replace with the words 'if they have evidence'. Add the text '**The Local Authority should assume that efficient educational provision is taking place, which is suitable to the child, unless there is evidence to the contrary**'.

Section 2.11: Add after the text 'Section 175(1)' – the following wording – 'and the Children's Act 2004'. Therefore this sentence will read "**Section 175(1) and the Children's Act 2004 does not extend to local authorities' functions**".

Delete 'or otherwise see' and delete 'f for the purposes of checking welfare'.

Therefore sentence will read after amendments "**It does not, for example, give local authorities powers to enter the homes of children for the purposes of checking welfare**". Also add at the end of the paragraph "**A parent's decision to home educate is not in itself grounds for concern about the welfare of children**". The last sentence is contained in the Welsh guidelines, para 6.1 and would be a useful addition to the English guidelines.

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:

Section 3.4: Remove first sentence from section and remaining text has been re-written as follows. **"Where parents do not want any involvement with the local authority, the LA should not assume that there is a problem which needs investigating. Instead the LA should consider whether there is evidence that efficient and suitable education is not taking place, taking into consideration the individual and community's circumstances, without prejudice. Those working within that area of EHE may wish to seek advice from Traveller Education Support Services before engaging with parents from these communities"**.

Section 3.5: Remove the words (in the first sentence) 'if information exists' and replace with 'If the local authority has information'. Replace 'may cast doubt' with 'casts doubt'. Sentence will now read **" If the local authority has information, which casts doubt on whether an 'efficient and suitable' education is being provided....."**.

Section 3.6: Replace the word 'reasonable' with 'specific' in the first sentence. Insert the words 'and specifying any such concerns, to give the parents a fair opportunity to address them' at the end of the sentence which starts 'A written report should be made after such contact'. Therefore after the amendment the new sentence will read **"A written report should be made after such contact and copied to the parents stating whether the local authority has any concerns about the educational provision and specifying any such concerns, to give the parents a fair opportunity to address them."**

Section 3.7: Remove the word 'Many' and 'welcome the opportunity' from the first sentence and add the wording 'Some' and 'are willing' – sentence will say **"Some parents are willing to discuss the provision that they are making for the child's education during a home visit but parents are not legally required to give the local authority access to their home."** Add the words 'they may' into the next sentence so it will now read **"They may choose to meet a local authority representative at a mutually convenient or neutral location instead, (insert words) or may choose not to meet at all."**

To the next sentence add the words in the following way (sentence now reads)"**If they choose not to meet, they will need to provide information regarding the education they are providing, parents might for example:"** Also add to the bullet points the following extra points **"provide third party verification of learning undertaken"** and **"provide information in any format they choose"** and delete "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."

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:

Section 3.12: Remove 'diaries of work' and replace with 'diaries of educational activities'. Remove 'assessments'. Remove 'samples of work' and replace with 'samples of written material'. Finally add the sentence 'These are listed as examples, it is not necessary that each such item is provided'. Therefore revised paragraph will state **"....The information may be in the form of specific examples of learning eg. Pictures/paintings/models, diaries of educational activities, projects, samples of written material, books, educational visits etc. These are listed examples, it is not necessary that each such item is provided."**

Section 3.13: Remove the last first part of the (fourth) bullet point and replace with "Access to useful resources the family feels appropriate to fulfil the educational style, which might include." Therefore bullet point will now read **"Access to useful resources the family feels appropriate to fulfil the educational style, which might include paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults."** Add to the end of this section **"This list is an example, it is not necessary to provide each item on this list."**

Section 3.14: Remove from the first sentence the words 'one or more characteristics appear to be lacking' and replace with 'there are valid reasons to believe that suitable education is not being provided'. Therefore revised sentence will read **"If, on considering the educational provision, there are valid reasons to believe that suitable education is not being provided, local authorities may choose to further investigate whether or not an efficient and suitable education is, in fact, being provided."**

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

☐

Yes

☐

No

☒ Not Sure

Comments:

Section 4.2: Remove the word 'current' from the first sentence. Therefore sentence will read **"Whilst there is no legal obligation on education authorities or home educators to develop such relationships, doing so will often provide parents with access to any support that is available and allow authorities to better understand parents' educational provision and preference."** Also remove the last sentence from this paragraph which starts 'This will be true whether or not parents are required.....'.

Section 4.3: Remove the words '.....especially those who have other children attending school'. Therefore second sentence will read **"Some parents may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that keeps to school hours."** Then insert the words 'or approach' in the last sentence. Sentence will then read **"LAs should not specify a curriculum or approach which parents must follow."**

Section 4.4: Insert the words "and that families may change their approach over time" at the end of the sentence which finishes ".....and might require a period of adjustment before finding their preferred mode of learning". Therefore this sentence (second sentence in paragraph) should read **"It should be appreciated that parents and their children might require a period of adjustment before finding their preferred mode of learning and that families may change their approach over time."** Remove the last word in this sentence "resources" and replace with "approach". Last sentence will read **"Their commitment to providing an efficient education that is suitable for their child may be demonstrated by them providing some indication of their objectives and approach."**

Section 4.6: Delete all text from the words "If the authority has cause to invite the parents to meet with a named education authority....."

Section 4.7: Delete the sentence "Some parents are happy for the local authority to have the opportunity to see the child in their learning environment, to enable them to see the provision at first hand" in the middle of the paragraph. So the

second sentence now reads **"Some parents are happy for the local authority to have the opportunity to see the child."**

Section 4.8: Remove the words which state "Although it is recognised that the learning environment can have a bearing on the effectiveness of learning" and "in the vast majority of cases." The sentence should read: **"LAs should be able to discuss and evaluate the parents' educational provision by alternative means"**. Inset the words "descriptions of activities" and remove the words "samples of work" in the last sentence. Therefore sentence will read **"Parents might prefer, for example, to write a report, provide descriptions of activities, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form."**

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

☐

Yes

☐

No

☒ Not Sure

Comments:

Section 5.1: Remove the first sentence which states "When parents elect to home educate their children they assume financial responsibility for their children's education." This sentence does not belong in this section and is not relevant to the section heading.

Section 5.2: Add another bullet point which states **"Access to qualifications by providing exam centres and provision of fees for exams."**

Section 5.1: Add the text **"Police officers and educational social workers who undertake truancy sweeps should be fully conversant on the law as it pertains to home educated children and their parents. Home educated children are not required to observe school hours and they are entitled to be out during school hours, whether pursuing directly educational activities or not."** The following words "trained with respect to home education" should be inserted into the last sentence of this paragraph so this will now read **"Those**

taking part in the sweeps, including police officers, should be fully familiar with this guidance, trained with respect to home education and aware that there is a range of valid reasons why school age children may be out of school.”

7 b) Should any other contacts be included?

☒ Yes

☐ No

☐ Not Sure

Comments:

Annex B – Education Otherwise details are incorrect and should read: PO Box 325, Kings Lynn, PE34 3XW, eomailhelpline@education-otherwise.org 08454 786345

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

Comments:

Section 2.4: Remove the word 'full'. LAs are encouraged to support EHE families, see Section 5, parts 5.1 and 5.2. This section should have a more positive flavour rather than the negative connotations attached to implying that no assistance or help is available. Add **"although LAs are encouraged to provide support where resources permit it. See paragraph 5.2"**.

Section 3.1: Delete the word 'methods' and replace with 'styles' in the final sentence

Section 3.9: Take out last sentence 'Local Authorities may encourage parents to inform them direct, but have no legal right to insist they do so.'

Section 3.10: Add to the bullet point list in this section **"mark work done by their child"** and **"cover the same syllabus as any school"**. These phrases have typically been included in this list of characteristics.

Section 3.15: Remove text from ".....it remains the local authority's duty to ensure...." onwards and replace with "the statement will remain in force and be reviewed annually. The parents must make suitable provision for the child's special needs although due to the change in the child's educational setting, this provision may differ from that outlined in the statement". Therefore the complete and reworded sentence will state **"Parents' right to educate their child at home applies equally where a child has special educational needs. Some children with special educational needs are statemented but others are not. Where a child has a statement of special educational needs and is home educated, the statement will remain in force and be reviewed annually. The parents must make suitable provision for the child's special needs although due to the change in the child's educational setting, this provision may differ from that outlined in the statement."**

Section 3.16: Add to the end of this paragraph **"In some cases a combination of provision by parents and LA may best meet the child's needs. Local authorities should consider, for example, providing access to additional resources or treatments where appropriate. If despite such support, parents are still unable to make "suitable arrangement" and the authority could not conclude that they were absolved of their responsibility to**

arrange the provision in the statement, this does not necessarily mean that the child must be returned to school. It may still be considered that parents meet their responsibility to provide an efficient education suitable to the child's age, ability and aptitude and to any special educational needs the child may have."

Section 3.17 Add to the end of this paragraph "It may be appropriate, once it is established that the child's special needs are being met without any additional support from the LA, to give consideration to ceasing to maintain the statement, if the parents agree."

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

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?

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No
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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.
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>

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:
Response from Surrey County Council**

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

Yes. Surrey County Council welcomes the clarity of the guidance and the fact that the purpose is to **support** local authorities in carrying out their statutory responsibilities.

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. The guidelines seem to be an accurate reflection of the law and good practice.

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

2.5 Whilst agreeing with the statement that all children should make reasonable progress it is hard to see how progress can be measured if the local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis.

2.6 Again, how do the local authorities know the child is receiving education if enquiries can be made only if there is reason to believe parents are not providing a suitable education?

2.7 The draft guidance 2007 emphasises through bold print that local authorities can intervene **if they have good reason** to believe that parents are not providing a suitable education implying the local authority can only take action when a complaint has been received. It does not acknowledge as clearly as earlier draft guidance that local authorities may, in the first instance, make informal enquiries

Draft guidance from DfES to local authorities in 2002 and 2004 and 'A Summary of the Law Relating to Home Education in England and Wales' produced by education otherwise stated:

Although the legal duty of LEAs is concerned only with children who appear not to be receiving a suitable education, case law (Phillips v Brown, Divisional Court [20 June 1980, unreported]) has established that an LEA may make informal enquiries of parents who are educating their children at home to establish that a suitable education is being provided.

2.8 This section alludes to the above but mentions Phillips v Brown as a footnote with no explanation of Lord Donaldson's judgement.

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

- 3.4 The role of Traveller Education Support Service is to enable and support the children of Gypsy/Roma and Traveller families to attend school. Despite working closely with TESS and making joint visits to families who intend to home educate, TESS feel their efforts to maintain school attendance are undermined by elective home education whose “suitability” is that it “primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child’s options in later years to adopt some other form of life if he wishes to do so”, and may be seen by parents as an easy option and means to avoid prosecution for their child’s non-attendance at school.
- 3.5 Surrey County Council is pleased to note the guidance recognises the contribution of the child and seeks to include his/her views either by attendance at a meeting or expressed in some other way.
- 3.7 It is the experience of Surrey County Council that many parents welcome the opportunity to discuss the provision that they are making for their child’s education and we, as the local authority are happy to meet at venues other than the home or to be provide with evidence of suitable education in other ways if parents choose not to meet, however, in a minority of cases it is extremely difficult to establish the veracity of a written report. Surrey County Council is willing to accept creative and flexible education arrangements but is concerned that ‘evidence’ submitted may not be the work of the child. To safeguard the child’s right to education, a person in the employ of the local authority should see and speak 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?

- 3.11 Accurate but unhelpful when parents request a definition of full time or use the fact that there is no definition of full time to justify providing a minimal number of hours education per day.
- 3.12 Accurate and helpful.
- 3.13 Far more helpful and specific than previous guidance. Each characteristic is valued especially the expectation by the DfES of consistent involvement of parents or significant carers playing a substantial role in providing education.
- 3.14 Accurate and helpful. However, access to ICT is integral to providing education at home. Not all families (especially GRT) have this and may be reluctant to use the resources at public libraries.

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

This section is useful. Officers of Surrey County Council endeavour at all times to develop positive relationships with home educating families but in some cases their efforts are rejected on the grounds of interference and abuse of the parents’ right to privacy. A small but increasing number of parents tolerate enquiries by the local authority but do not wish to develop a relationship; the fact that they respond to the local authority with identically worded letters suggest that this is an organised group.

4.5 Parents need a more comprehensive set of information than proposed - e.g. on key contacts in the local authority for advice and clarification. Connexions services - not enough guidance e.g. as a service for young people of 13 and above, it is young people who need to make the decision to opt out or not from this service not parents; there is not enough clarity as to Connexions requirements to track young people who have opted out of the service.

4.9 Whilst there is no provision for education professionals to see the child (they could be the only professional involved) it is possible for child protection issues to be concealed.

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

Yes

7b. Should any other contacts be included?

Social contacts are important so information directing parents to local drama groups, the Youth Service, sports clubs etc would be useful.

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

1.4 The wording of this section does not refer to parents whose intention is to remove their child from school for a short period of time. A proviso should be made that parents who intend to home-educate for a period and then return their child to the school system may disadvantage the child if they do not follow the National Curriculum. The statement could be repeated in paragraph 3.11.

2.4 It is essential that parents are made aware that they must assume full financial responsibility for all aspects of the child's education. Since parents have great difficulty arranging for their children to sit public examinations attention should be drawn, at this point, to Annex A.

3.9 There is conflict here with The Education (Pupil Registration) Regulations introduced on 1st September 2006. Regulation 12(3) states:

The name of a school-age pupil must be deleted if the proprietor has written notification from the parent that the pupil is receiving education otherwise than at school. The school must inform their local authority as soon as they become aware and before the deletion is made.

Whilst it is acknowledged that compulsory registration of all home educators would require a change to the Law, there is considerable strength of feeling within Surrey County Council that the education of some vulnerable children is not monitored because registration is not compulsory.

3.17 and 3.18 Clarification is needed as the guidance does not say if it is compulsory for the local authority to amend the statement to read "parents have made their own arrangements under section 7 of the Education Act 1996" where the authority is satisfied that the child's parents have made suitable arrangements.

"The statement can also specify any provision that the LEA has agreed to make under section 319 to help parents to provide suitable education for their child at home." Clarification needed again. Does it mean funding provided to schools for SNA support, Speech and Language Therapy and resources for disabled children such as standing frames or specially adapted desks, etc. would be transferred to parents to provide the same resources at home?

Annexe A Paragraph 2.

Home-educated young people do not have equal opportunities with their peers who attend school. In Surrey, home educated young people are precluded from attending College in year 11 because available places are secured by transfer of funds from schools to colleges.

Recent changes to the examination system have made it extremely difficult for home-educated children to take GCSE examination. The main difficulties are:

- The range of examinations available to private candidates is limited
- Examination centres may not accept private candidates

Children Educated As A Group

No information is provided on children educated as a group. Surrey County Council is aware of children of school age educated in groups of 5 or more *on a part time basis*, generally three or four days per week. Clarification is required on the regulations for registration of schools. Similarly, would the regulation apply to a family home educating five or more siblings?

In addition to 'The Guidance To LEAs On Elective Home Education, could the DfES produce a booklet giving guidance to the public on Elective Home-Education? The booklet should include procedures for home-education, the implications of de-registration, case studies, examples of good practice, etc.

Finally, a comment from a home-educating parent:

"I did read the document and thought it a very thorough laying out of things I was vaguely aware of. If I had had any major comments I would have got them to you but if this is to become government policy then I feel it gives security to parents who felt under pressure to justify their decisions or lifestyles, whilst still allowing for LA involvement where children seem to need protection."