

e-consultation

Logged in as: [REDACTED]

Home / Consultation on Home Education Guidelines... / Analysis / Response Edit

Consultation on Home Education Guidelines

department for
education and skills

Consultations

Consultation Home

Manual Response Entry

Analysis

Campaigns

Acknowledgements

System Tools

response edit

This screen displays the contents of an individual response, including the respondent's personal details and their answers to the questionnaire. You can JUMP to another response by supplying an appropriate response number, or move to the NEXT or PREVIOUS response. The response number is the number automatically assigned to the response when it was submitted by the respondent. It is equivalent to the Consultation Unit's traditional Reference Number. It is assigned to each response and remains unique. Where a response has been deleted from the system, the reason is displayed in place of the response.

[Click here for more information about using this screen](#)

[REDACTED]	Ref: 382	[REDACTED]	[REDACTED]	[REDACTED]
Entire Response [REDACTED]				

This response has been submitted by a registered respondent.		[REDACTED]
--	--	------------

Personal Details	Identifier: 382
Response Type	Online
Title:	
First Name:	[REDACTED]
Last Name:	[REDACTED]
Email:	[REDACTED]
Organisation:	
Address:	
Response on behalf of an organisation:	No
Campaign:	Not Part of Campaign
Confidential Response:	Yes
Future Contact:	Yes
Acknowledge Response:	Yes
Acknowledgements:	Acknowledgement email [REDACTED]

Inform when published:	Yes
Key Response:	[REDACTED]
Respondent Information Questions	Identifier: 382
Which of the following best describes you:	
<input type="radio"/> Home educator <input type="radio"/> Organisation representing home educators <input type="radio"/> Local authority <input type="radio"/> Young person who is/was home educated <input checked="" type="radio"/> Other (please specify)	
Answer/Comments:	Parent considering home education
Please specify:	[REDACTED]
Consultation Questions	Identifier: 382
1 Do you agree that it is helpful for the DfES to issue guidelines to local authorities?	
<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response	
Key Indicators:	[REDACTED]
New Key Indicator(s):	[REDACTED]
Answer/Comments:	From the research I have done in this area, it does seem that local authorities can be unclear of the statutory position, so providing them with clear and accurate guidelines can only be helpful
2 Do you agree that the description of the law (paragraphs 2.1-2.3) relating to elective home education is accurate and clear?	
<input checked="" type="radio"/> Yes <input type="radio"/> No	

	<input type="radio"/> Not Sure <input type="radio"/> No Response
Key Indicators:	[REDACTED] [REDACTED]
New Key Indicator(s):	
3 Do you agree that the description of local authorities' responsibilities (paragraphs 2.5-2.11) is accurate and helpful?	
	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response
Key Indicators:	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
New Key Indicator(s):	
Answer/Comments:	I think the clause: '...all children should make reasonable progress' is too vague to be helpful, and is also unnecessary, and should therefore be removed.
4 Do you agree that the section on contact with the local authority (paragraphs 3.4-3.7) is accurate and helpful?	
	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response
Key Indicators:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
New Key Indicator(s):	
Answer/Comments:	I do not believe that many home educating parents welcome regular contact with the local authority. I would like to see the local authority's ability to intrude to be made far more limited. There should be serious concerns, accompanied by evidence, that 'efficient' and 'suitable' education is not being provided. Parents should of course be able to contact the local authority if they would like additional support or help.
5 Do you agree that the section on providing a full-time education (paragraphs 3.11-3.14) – and in particular, the characteristics of	

provision (paragraph 3.13) – is accurate and helpful?	
	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response
Key Indicators:	<div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div>
New Key Indicator(s):	<div style="border: 1px solid black; height: 1.2em;"></div>
Identifier: 382	
6 Do you agree that the section on developing relationships (section 4) is useful?	
	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response
Key Indicators:	<div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div>
New Key Indicator(s):	<div style="border: 1px solid black; height: 1.2em;"></div>
Answer/Comments:	It is important that parents are given freedom either to engage in a relationship/dialogue with the local authority, or not, at their discretion.
7 a) Are the suggested resources in section 5 and appendix 2 useful?	
	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response
Key Indicators:	<div style="background-color: black; width: 100%; height: 1.2em;"></div>
New Key Indicator(s):	<div style="border: 1px solid black; height: 1.2em;"></div>
7 b) Should any other contacts be included?	
	<input type="radio"/> Yes <input type="radio"/> No

	<input type="radio"/> <input type="radio"/> Not Sure <input type="radio"/> No Response
Key Indicators:	
New Key Indicator(s):	
8 Please use this space for any other comments you wish to make about the guidelines	
Key Indicators:	[REDACTED] [REDACTED]
New Key Indicator(s):	
Answer/Comments:	I welcome the decision to consult on these important matters.
[REDACTED]	
[REDACTED]	Ref: 382 [REDACTED]
Entire Response	[REDACTED]
[REDACTED]	

e-consultation

Logged in as: [REDACTED]

Home / Consultation on Home Education Guidelines... / Analysis / Response Edit

Consultation on Home Education Guidelinesdepartment for
education and skills**Consultations**

Consultation Home

Manual Response Entry

Analysis

Campaigns

Acknowledgements

System Tools**response edit**

This screen displays the contents of an individual response, including the respondent's personal details and their answers to the questionnaire. You can JUMP to another response by supplying an appropriate response number, or move to the NEXT or PREVIOUS response. The response number is the number automatically assigned to the response when it was submitted by the respondent. It is equivalent to the Consultation Unit's traditional Reference Number. It is assigned to each response and remains unique. Where a response has been deleted from the system, the reason is displayed in place of the response.

[Click here for more information about using this screen](#)

<< first	< previous	Ref: 394	Jump	next >	last >>
----------	------------	----------	------	--------	---------

Personal Details	[REDACTED]
------------------	------------

[REDACTED]

Personal Details	Identifier: 394
Response Type	<input type="radio"/> Paper <input checked="" type="radio"/> Email
Title:	
First Name:	[REDACTED]
Last Name:	[REDACTED]
Email:	[REDACTED]
Organisation:	Education Walsall
Address:	<div></div>
Response on behalf of an organisation:	<input checked="" type="radio"/> Yes <input type="radio"/> No

Campaign:	Not Part of Campaign
Confidential Response:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Future Contact:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Acknowledge Response:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Inform when published:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Key Response:	<input type="radio"/> Yes <input checked="" type="radio"/> No
<div>Save Reset Delete Back Print</div>	
<div><< first < previous Ref: 394 Jump next > last >></div>	
Personal Details	

Response is in the following six pages of text

Elective Home Education Consultation

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

Yes it is essential to have clearer and stronger guidelines, providing local authorities with **rights** as well as **duties** and **responsibilities**, in line with *Every Child Matters*.

It is absolutely crucial also that similar guidelines are given to parents who elect to home educate, in the same way that requirements and expectations are placed on parents in the *outcomes framework of Every Child Matters*.

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

The description is clear, but it conflicts with guidelines and with safeguarding legislation.

The statute seems to be based solely on the European Convention on Human Rights.

"No person shall be denied the right to education...." But some children are denied that right, by their parents. Whilst many parents who elect to home educate may be capable of so doing, in our experience too many are incapable of ensuring an education and yet the LA has insufficient power or authority to intervene soon enough under current legislation, if there is a failure to provide adequate or appropriate education.

2.3 is an entirely pointless statement, which is so vague that it provides no clarity whatsoever. As it has been determined that every child should receive the national curriculum in schools, then the same should be expected of the home educated, otherwise, either we are accepting that the national curriculum is unnecessary or we are denying the home educated a "suitable" and "efficient" education – in contravention of the ECHR. It would seem sensible to place the same requirement on those who elect to home educate as we place on schools.

"efficient," - "achieves that which it sets out to achieve."

"suitable," – "primarily equips a child for life within the community of which he is a member."

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

The section is accurate (in line with current statute) but unhelpful - because it places responsibilities on the local authorities, but actively removes any rights or powers necessary to meet those responsibilities. This must be addressed through statute as a matter of urgency in line with the principles of The Children Act 1989, The Children Act 2004, The Education Act 2002 and Every Child Matters, each of which conflicts with this guidance.

Paragraph 2.6 is astonishing as it states:

Local Authorities have a new duty under the education & Inspections Act 2006 to identify, as far as possible, children who are missing, or in danger of missing, education. The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school (for example, at home, privately, or in alternative provision).

However, the paragraph then contradicts itself by concluding, "**The guidance issued makes it clear that the duty does not apply to children who are being educated at home.**" This can only be described as astonishing.

In light of the points in response to question 4 (see below) unless the LA has rights of access to the child, there is no way to establish (in some cases) whether or not the child is "missing education."

Section 2.7 states that "Local Authorities have no statutory duties in relation to monitoring the quality of home education..." and yet Every Child Matters and The Education Act 2002 places clear responsibilities on LAs to ensure that every child achieves the Five Outcomes. They then have no powers to assess whether or not this is the case for the Elective Home Educated.

2.8 again places a responsibility on LAs, "The most obvious course of action if such a concern were raised would be to ask parents for information about the education they are providing." However the same paragraph then renders it potentially impossible by concluding, "Parents are under no duty to comply, but it would be **sensible** to do so." Unfortunately, those who are not capable of meeting that responsibility are usually those who are not "sensible."

Finally 2.11 again places a statutory duty on LAs to safeguard children and immediately removes any authority to fulfil that statutory duty. Whilst the LA would not expect to have **automatic rights** to enter the homes of, or otherwise see, children for the purposes of monitoring the provision of elective home education, there is a need for access to the children in order to establish their safety and well being. It is acknowledged that school absence is a factor in safeguarding and repeated, regular or extended absence triggers alarms about safety and wellbeing, so the same should apply to those who refuse access to the children in elective home education settings.

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

The section is accurate (in line with current statute) but unhelpful - because it extends the responsibilities of the local authorities, but actively removes any rights or powers necessary to meet those responsibilities. This must be addressed through statute as a matter of urgency in line with the principles of The Children Act 1989, The Children Act 2004, The Education Act 2002 and Every Child Matters, each of which conflicts with this guidance.

3.4 There is concern about the surprising racist comments quoted in a government document which makes a blanket statement about one particular ethnic group. This rather reflects the racism in Eastern Europe towards Gypsy/Roma and Traveller parents. Whilst the sentiment is accurate that **many people** are incapable of “delivering a full time education that is efficient and suitable,” it is astonishing to make such a statement about one particular ethnic group. There are many parents in this local authority area who are incapable of “delivering a full time education that is efficient and suitable,” which has nothing to do with their ethnicity.

3.4 “...where parents do not want any involvement with the local authority, the LA should not automatically assume that there is a problem, which needs investigating. Instead the LA should take a risk-based approach...”

From extensive experience of serious safeguarding cases involving serial sexual abuse and disastrous neglect (due to mental health issues) amongst the elective home educated, the repeated refusal to engage with any agency is a significant factor in a risk assessment. Whilst there will of course be no automatic assumption it is a most significant factor.

Paragraph 3.5 goes on to suggest, “...the local authority should seek to gather any relevant information that will assist them in reaching a properly informed judgement. This should include seeking from the parents any further information **that they wish to provide...**”

THIS REMOVES ALL POWER THE LOCAL AUTHORITY MAY HAVE.

The same paragraph continues, “...The child should also be given the opportunity, but not required, to attend any meeting that may be arranged or express his or her views in some other way.”

However, the LA has no authority to insist on seeing the child – even though the second principle of the Children Act 1989 is that “The child’s voice must be heard.” This is particularly ironic in light of the Victoria Climbié case.

In paragraph 3.7 the use of the word “choose” renders the LA powerless to meet their responsibility to safeguard all children. This conflicts with all safeguarding legislation and suggests that **Every Child Matters, but some matter more than others.**

3.7 Clearly there is no legal requirement to allow the local authority access to individuals’ homes – and naturally the fact that a child is home educated does not mean (per se) that he or she is being abused. However, inevitably refusal to engage with the LA – and especially refusal to allow the child to be seen - will in itself raise levels of concern about the safety and well-being of the child. At times, and in such circumstances, it has been found necessary to pass the matter to Police and Social

Services who have then uncovered serious cases of abuse. This has been as a result of intuition, although the only "evidence," was the extreme refusal to engage.

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?

It is most unusual for any government guidance to list what someone **does not have to do**. It is more normal for government guidance to be a positive if minimum standard. Such an approach would be much more appropriate.

It is surprising that section 3.11 states that there is no requirement to teach the National Curriculum, in spite of the fact that the Government has deemed, at least the core subjects, to be essential for every child. This surely contradicts the role and purpose of a National Curriculum and reinforces the suggestion that every child matters – except the elective home educated child. Surely most parents would welcome the assistance and direction that a minimum requirement of the core subjects would provide and it would ensure no disadvantage for the EHE, which would be contradictory to section 2.3 - "as long as it does not foreclose the child's options in later years..."

3.13 The final bullet point of this section is very significant and provides a minimum standard that has implications for safeguarding welfare.

"...and the opportunity for appropriate interaction with other children and other adults."

If this is a minimum standard requirement, this provides far greater security for the child as it at least ensures they are interacting with others and it provides an opportunity for LA advisors to EHE to question when a child is isolated from society – which is a significant factor for safeguarding.

3.14 there is a difficulty with this section on Attendance Orders, as it provides a right for the Local Authority to **serve** an attendance order, but the authority has no right to **assess the need** which might lead to an attendance order (see 2.8, 2.11, 3.4 – 3.7)

3.15 conflicts with 2.4 "parents who choose to educate their children at home must assume **full** financial responsibility..."

3.16 contains a most strange sentence - "...if the parents' attempt to educate the child at home results in provision that falls short of meeting the child's needs, then the parents are not making 'suitable arrangements' and the authority could not conclude that they are absolved of their responsibility to arrange the provision in the statement."

Why is this stated in a rather bizarre manner?

"...the authority could not conclude that they are absolved of their responsibility..."

This appears to absolve the parents of their responsibility, rather than simply maintaining that "if an efficient and suitable education is not being provided..., then an attendance order should be served" (3.14).

3.18 advises that the LA must consider “whether the home education is suitable,” but the guidance provides no power to act (see above) if it is not.

There are further issues around this area of special needs, but which can also be applied more generally across EHE, where a child is discovered who is “missing” or “missing education.” In such circumstances the LA has absolutely no power or authority to engage with the family and no right nor responsibility to assess the child’s specific (or perhaps special) needs.

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

4.4 “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 resources.”

- conflicts with 1.4

- conflicts with 2.2 – “No person shall be denied the right to education.”

If a parent is exercising their rights under the ECHR to educate at home, but is incapable of so doing, they are in contravention of “the right of the child to education.”

- conflicts with 2.3 – “as long as it does not foreclose the child’s options in later years...”

4.6 is confused and confusing in its terminology.

“If the authority has cause to invite the parents to meet with a named authority...”

“has cause...” suggests concern

“to invite...” suggests no concern.

4.7 centres on the issue of seeing the child. The Laming Report on the death of Victoria Climbié, made it clear that one of the failings was the failure of the authorities to see the child. I believe that supposed Elective Home Education was a factor in the failure of agencies to see the child in that instance.

4.8 Naturally “where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about education provision being made.” However, it has been significant repeatedly in cases where children have been abused.

One must consider what possible **positive** reason there might be for such a refusal to allow someone to see their child. It is important to remember that the second principle of the Children Act 1989 is that “the child’s voice must be heard.”

It is important to remember that the first principle is “the Child’s welfare is paramount.” As such child safeguarding legislation over-rides human rights of the parent in favour of the rights of the child.

4.8 conflicts with 4.9: If you have no access to the child you cannot refer concerns other than on intuition and it is very rare that such a referral will be taken up, as Children’s Services must have sufficient evidence to support any intervention.

4.10 conflicts with 2.4 "parents who choose to educate their children at home must assume **full** financial responsibility..." and 5.1.

Why might authorities offer CRB checks free of charge to EHE parents when schools have to pay?

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

5.9 is appropriate and very clear.

5.11 somewhat redresses the appalling generalised reference in 3.4

7b. Should any other contacts be included?

Yes – local safeguarding boards.

Consultation on Home Education Guidelines

Consultation Response Form

The closing date for this consultation is: 31 July
2007

Your comments must reach us by that date.

department for

education and skills

creating opportunity, releasing potential, achieving excellence

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

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

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

Name

[REDACTED]

Deleted: u

Organisation (if applicable) CAPE

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"/> Home educator	<input type="checkbox"/> Organisation representing home educators	<input type="checkbox"/> Local authority
<input type="checkbox"/> Young person who is/was home educated	<input checked="" type="checkbox"/> Other (please specify)	

Deleted: ☐
Deleted: x

Please Specify:

CAPE is a professional network for those engaged in supporting schools / LAs in meeting their Child Protection responsibilities. There are currently approximately 50 members with a geographical base in the North of England. Members meet at least once a term to discuss current issues for Child Protection and the education service, to share training ideas and to provide mutual support. CAPE makes responses to all key Government consultations and can claim to speak for a highly experienced and well-informed group of professionals. Members include Local Authority Advisers, Principal Education Officers, voluntary sector representatives, representatives from the independent and non-maintained special school sector and independent trainers.

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
---	-----------------------------	-----------------------------------

Comments:

Such a document is to be welcomed as a means of encouraging all LAs, multi-agency partnerships and Home Educators to have a clear understanding of their roles and responsibilities in this area.

Deleted: and
Formatted: Underline
Deleted: .

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

X Not Sure

Comments:

CAPE believe that there are professionals within LAs better placed than us to comment on the legal and procedural requirements relating to children & young people educated at home. However, we feel that the emphasis on parents' rights may conflict with the right of a child to live free from harm (as defined in the Children Act 2004, Working Together to Safeguard Children 2006 and Human Rights Act 1998) and to receive a suitable education.

CAPE, therefore, supply this response from a safeguarding perspective only.

Deleted: '

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

☐

Yes

☐

No

X Not Sure

Comments:

CAPE believe that paras 2.5 – 2.11 provide a limited definition of the LA responsibilities in relation to the provision of, and monitoring of, EHE. Para 2.11 refers to the LA duty to safeguard & promote the welfare of children. This guidance **must** include further advice on how a LA meets this duty for a child or young person to whom they have no access, or where parents choose not to engage.

The ability of a LA or LSCB to safeguard & promote welfare is compromised when parents refuse to allow access to a child or young person that is home educated. Further, LAs have a duty to safeguard **all** children, not just those on a school roll or notified to us as EHE – the DCSF should issue guidance on how this function is to be discharged

Deleted: '

The guidance is right to state (1.4) that there are a number of valid reasons why parents elect to educate at home or outside the traditional school environment. However, we are aware that there is a further motivation for some parents, particularly where a school or local authority have concerns that the child is at risk of significant harm. In these circumstances, CAPE believes that the LA should be advised to undertake a risk assessment before agreeing to a notification for EHE – where there are child protection concerns, the LA should undertake a risk assessment to determine whether the notification for EHE would put a child at increased risk of significant harm.

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

☐

Yes

☐

No

X Not Sure

Comments:

LAs need clear guidance from DCSF in cases where known s47 concerns exist, on action to take, who to inform and what the likely response should be. Where notification involves a child in need, a risk assessment should be considered to determine whether the withdrawal from an educational establishment & normal social interaction increases the concern and / or risk to the child.

The Children Act 1989 states that the welfare of a child is paramount. CAPE believes that, where potential EHE denies the rights or wishes of the child, his/her rights override the right of a parent to educate at home. This is not made clear in the document. Furthermore, legislation determines that the rights of a child override the rights of a parent – see also Children Act 2004 s53 “before determining what services to provide or what action to take, the LA shall , so far is reasonably practicable and consistent with the child’s welfare:

- *Ascertain the child’s wishes and feelings regarding the provision of those services or the action to be taken*
- *Give due consideration (with regard to the child’s age and understanding) to such wishes and feelings of the child as they have been able to ascertain.”*

How can a LA discharge its responsibilities to safeguard & promote the welfare of all children in the area, in circumstances where parents undertaking EHE choose not to engage with the LA ? Furthermore, how can a LA ascertain that it is the child’s wish to be home educated ? How can children that are home educated enjoy the same level of protection and safeguarding as children within educational settings, as pupils attending a school or college will be seen

Deleted: their

Deleted: .

Deleted: .

by professionals on a daily or regular basis yet children EHE may not be seen by a professional for months or years ? CAPE feels that, while the majority of parents provide a safe and suitable environment for their children it is dangerous for this guidance to presume that all parents do. The fact that parents can choose whether or not to engage with the LA, and the LA may not make judgements based on the lack of interaction, makes some EHE children more vulnerable.

Deleted: .

CAPE is concerned by para 3.4 reference to a "risk based approach" and to "taking into consideration the individual and community's circumstances". How should a LA calculate risk? What criteria should be used? How can risk be calculated if there is no means of identifying it other than by information the LA receives from other services and agencies and the general public? Is there an implication by referring to a "community's circumstances" that some communities are "at risk" or more likely to be "at risk"? If so, what types of risk are being considered? What criteria should be utilised? Is it being implied that LAs have greater "authority" to seek contact with parents/carers who live in certain communities ?

Deleted: areas with certain socio-economic characteristics?

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:

Yes, except LAs are left to define 'consistent involvement of parents or significant others'. How much consistency can we expect of a parent with mental health problems, whose EHE child is also a young carer? How would a LA evidence a lack of 'consistent involvement' in an application for a School Attendance Order?

Deleted: '

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

X Yes

☐ No

☐ Not Sure

Comments:

Generally yes. However, CAPE notes that

- 4.9 talks about the welfare of all children & provides guidance on what to do if new child protection concerns come to light once a child is EHE and the family have engaged with the LA. Our primary concern is those children where a child protection concern would not come to light as there is no engagement from the family.
- Also, do you mean *Working Together 2006* rather than *Working Together 1999*????
- CAPE notes that s4.10 reminds parents of their responsibility to recruit tutors in line with safer recruitment guidance. However, it presumes that parents in EHE will have sound knowledge of safer recruitment techniques. 'Safeguarding Children and Safer Recruitment in Education' (DfES 2007) should be referenced at this point in the guidance.

Once again the issue is raised for LAs of "You don't know what you don't know". How do LAs safeguard children's learning at home if parents/carers are under no obligation to engage with the LA? Where child protection concerns appear to be a factor in the decision by a parent to home educate, this guidance should indicate the need for professionals to follow inter-agency protocols in determining whether a s47 referral should be made.

Case example: where a child identified as a young carer is subsequently removed by the parent for EHE, the risk of emotional abuse may be increased by the child's withdrawal from normal social interaction (WT 2006).

Case example: a yr 6 girl disclosed sexual abuse by her birth father. Despite medical evidence that supported the disclosure, the ICPC decided not to register her or her siblings under s47. The birth parents then notified the LA of their intention to home educate and the LA had no remit to refuse. This child and her younger siblings were thus removed from the daily care of professionals that carry a duty to safeguard and promote the welfare of these children. Where there are clear s47 concerns, a school attendance order cannot be used to determine the suitability of the parent's desire to educate at home.

The only legislation that a LA could use in these circumstances would be Child Protection legislation, which may not be appropriate.

Formatted Table

Deleted: T

Deleted:

Deleted: s

Deleted: s

Deleted: her or

Deleted: a

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

☒ Yes ☐ No ☐ Not Sure

Comments:

You mean Annex B? Yes.

7 b) Should any other contacts be included?

☒ Yes ☐ No ☐ Not Sure

Comments:

Should the DCSF consider maintaining a detailed list of contacts/education resource providers that support EHE on its and other appropriately linked websites?

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

Comments:

The key issues for LAs are:

- The lack of specific legal definitions of suitable, efficient and full time
- Parents being able to choose not to engage with LA officers regarding their enquiries re home education provision
- Safeguarding of children. LAs have no right to see the child.
- There is no reference to ContactPoint and the role of the LA when that LA is made aware of a child living in its area where the LA was not previously aware of that child.

Formatted: Bullets and Numbering

Para 3.4 is particularly muddled and unclear. If parents are not required to engage with the LA then how do we know that any provision is being made? What are the criteria used for taking a risk-based approach? It is not clear how to measure risk. Should this be via other community organisations providing information without parental consent? How would this be done without breaching individual rights to privacy and confidentiality?

Is the "bottom line" that LAs should be taking no active interest in children being educated at home unless they have reliable evidence (good reason to believe) that parents are not providing a "suitable" education? If so, DfES guidance to LAs could potentially be quite brief!

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?

X 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.



Consultation on Home Education Guidelines

Consultation Response Form

The closing date for this consultation is: 31 July
2007

Your comments must reach us by that date.

department for

education and skills

creating opportunity, releasing potential, achieving excellence

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

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

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

Name

[REDACTED]

Organisation (if applicable) Leeds Safeguarding Children Board
(LSCB)

Address:

[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:

<input type="checkbox"/> Home educator	<input type="checkbox"/> Other person responsible for the child's education	<input type="checkbox"/> Other
<input type="checkbox"/> Young person who is/was home educated	<input checked="" type="checkbox"/> Other (please specify)	

Please Specify:

Leeds Safeguarding Children Board (LSCB)

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
---	-----------------------------	-----------------------------------

Comments:

Such a document is to be welcomed as a means of encouraging all LAs and multi-agency partnerships to have a clear understanding of their roles and responsibilities in this area.

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

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Sure
------------------------------	-----------------------------	--

Comments:

LSCB believes that there are professionals within LA's better placed than us to comment on the legal and procedural requirements relating to children & young people educated at home. However, we feel that the emphasis on parents' rights may conflict with the right of a child to live free from harm (as defined in the Children Act 2004, Working Together to Safeguard Children 2006 and Human Rights Act 1998) and to receive a suitable education.

LSCB, therefore, supplies this response from a safeguarding perspective only.

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

☐

Yes

☐

No

X Not Sure

Comments:

LSCB believe that paras 2.5 – 2.11 provide a limited definition of the LA responsibilities in relation to the provision of, and monitoring of, EHE. Para 2.11 refers to the LA duty to safeguard & promote the welfare of children. This guidance **must** include further advice on how a LA meets this duty for a child or young person to whom they have no access, or where parents choose not to engage.

The ability of a LA or LSCB to safeguard & promote welfare is compromised when parents refuse to allow access to a child or young person that is home educated. Further, LAs have a duty to safeguard **all** children, not just those on a school roll or notified to them as EHE – the DCSF should issue guidance on how this function is to be discharged.

The guidance is right to state (1.4) that there are a number of valid reasons why parents elect to educate at home or outside the traditional school environment. However, we are aware that there is a further motivation for some parents, particularly where a school or local authority have concerns that the child is at risk of significant harm. In these circumstances, LSCB believes that the LA should be advised to undertake a risk assessment before agreeing to a

notification for EHE – ie. where there are child protection concerns, the LA should undertake a risk assessment to determine whether the notification for EHE would put a child at increased risk of significant harm.

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

☐

Yes

☐

No

X Not Sure

Comments:

LAs need clear guidance from DCSF in cases where known s47 concerns exist, on action to take, who to inform and what the likely response should be. Where notification involves a child in need, a risk assessment should be considered to determine whether the withdrawal from an educational establishment & normal social interaction increases the concern and / or risk to the child.

The Children Act 1989 states that the welfare of a child is paramount. CAPE believes that, where potential EHE denies the rights or wishes of the child, their rights override the right of a parent to educate at home. This is not made clear in the document. Furthermore, legislation determines that the rights of a child override the rights of a parent – see also Children Act 2004 s53 *“before determining what services to provide or what action to take, the LA shall, so far as is reasonably practicable and consistent with the child’s welfare:*

- *Ascertain the child’s wishes and feelings regarding the provision of those services or the action to be taken*
- *Give due consideration (with regard to the child’s age and understanding) to such wishes and feelings of the child as they have been able to ascertain.”*

How can a LA and / or Safeguarding Board discharge its responsibilities to safeguard & promote the welfare of **all** children in the area, in circumstances where parents undertaking EHE choose not to engage with the LA. Furthermore, how can a LA ascertain that it is the child’s wish to be home educated. How can children that are home educated enjoy the same level of protection and safeguarding as children within educational settings, as pupils attending a school or college will be seen by professionals on a daily or regular basis yet children EHE may not be seen by a professional for months or years. LSCB feels that, while the majority of parents provide a safe and suitable environment for their children it is dangerous for this guidance to presume that **all** parents do. The fact that parents can choose whether or not to engage with the LA, and the LA may not make judgements based on the lack of interaction, may make some EHE children more vulnerable.

LSCB is concerned by the para 3.4 reference to a “risk based approach” and to “taking into consideration the individual and community’s circumstances”. How should a LA calculate risk? What criteria should be used? How can risk be calculated if there is no means of identifying it other than by information the LA receives from other services and agencies and the general public? Is there an implication by referring to a “community’s circumstances” that some communities are “at risk” or more likely to be “at risk”? If so, what types of risk are being considered? What criteria should be used? Is it being implied that LAs have greater “authority” to seek contact with parents/carers who live in areas with certain socio-economic characteristics?

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?

X Yes

☐ No

☐ Not Sure

Comments:

Yes, except LAs are left to define ‘consistent involvement of parents or significant others’. How much consistency can we expect of a parent with mental health problems, whose EHE child is also a young carer? How would a LA evidence a lack of ‘consistent involvement’ in an application for a School Attendance Order?

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

X Yes

☐ No

☐ Not Sure

Comments:

Generally yes. However, LSCB notes that

- 4.9 talks about the welfare of all children & provides guidance on what to do if new child protection concerns come to light once a child is EHE and the family have engaged with the LA. Our primary concern is those children where a child protection concern would not come to light as there is no engagement from the family.
- Also, do you mean *Working Together 2006* rather than *Working Together 1999*???
- LSCB notes that s4.10 reminds parents of their responsibility to recruit tutors in line with safer recruitment guidance. However, it presumes that parents in EHE will have sound knowledge of safer recruitment techniques. 'Safeguarding Children and Safer Recruitment in Education' (DfES 2007) should be referenced at this point in the guidance.

Once again the issue is raised for LAs of "You don't know what you don't know". How do LAs safeguard children's learning at home if parents/carers are under no obligation to engage with the LA? Where child protection concerns appear to be a factor in the decision by a parent to home educate, this guidance should indicate the need for professionals to follow local inter-agency (safeguarding board) protocols in determining whether a s47 referral should be made.

Case example: where a child identified as a young carer is subsequently removed by the parent for EHE, the risk of emotional abuse may be increased by the child's withdrawal from normal social interaction (*WT 2006*).

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

X Yes

☐

No

☐

Not Sure

Comments:

You mean Annex B? Yes.

7 b) Should any other contacts be included?

☒ Yes

☐

No

☐

Don't know

Comments:

Should the DCSF consider maintaining a detailed list of contacts/education resource providers that support EHE on its and other appropriately linked websites?

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

Comments:

The key issues for Safeguarding Boards and LAs are:

- The lack of specific legal definitions of suitable, efficient and full time
- Parents being able to choose not to engage with LA officers regarding their enquiries re home education provision
- Safeguarding of children. LAs have no right to see the child.

Para 3.4 is particularly muddled and unclear. If parents are not required to engage with the LA then how do we know that any provision is being made? What are the criteria used for taking a risk-based approach? It is not clear how to measure risk. Should this be via other community organisations providing information without parental consent? How would this be done without breaching individual rights to privacy and confidentiality?

Is the "bottom line" that LAs should be taking no active interest in children being educated at home unless they have reliable evidence (good reason to believe) that parents are not providing a "suitable" education? If so, DCSF guidance to LAs could potentially be quite brief!

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?

X 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.

e-consultation

Logged in as: [REDACTED]

Home / Consultation on Home Education Guidelines... / Analysis / Response Edit

Consultation on Home Education Guidelinesdepartment for
education and skills**Consultations**

Consultation Home

Manual Response Entry

Analysis

Campaigns

Acknowledgements

System Tools**response edit**

This screen displays the contents of an individual response, including the respondent's personal details and their answers to the questionnaire. You can JUMP to another response by supplying an appropriate response number, or move to the NEXT or PREVIOUS response. The response number is the number automatically assigned to the response when it was submitted by the respondent. It is equivalent to the Consultation Unit's traditional Reference Number. It is assigned to each response and remains unique. Where a response has been deleted from the system, the reason is displayed in place of the response.

[Click here for more information about using this screen](#)

<< first	< previous	Ref: 419	Jump	next >	last >>
Entire Response [REDACTED]					
[REDACTED]					
Personal Details					
Response Type					Identifier: 419
Title:					[REDACTED]
First Name:					[REDACTED]
Last Name:					[REDACTED]
Email:					[REDACTED]
Organisation:					[REDACTED]
Address:					[REDACTED]
Response on behalf of an organisation:					<input type="radio"/> Yes <input checked="" type="radio"/> No
Campaign:					

	Not Part of Campaign
Confidential Response:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Future Contact:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Acknowledge Response:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Inform when published:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Key Response:	[REDACTED]
Respondent Information Questions	Identifier: 419
Which of the following best describes you:	
<input type="radio"/> Home educator <input type="radio"/> Organisation representing home educators <input type="radio"/> Local authority <input type="radio"/> Young person who is/was home educated <input checked="" type="radio"/> Other (please specify)	
Answer/Comments:	About to become a Home Educator
Please specify:	<div></div>
Consultation Questions	Identifier: 419
1 Do you agree that it is helpful for the DfES to issue guidelines to local authorities?	
<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response	
Key Indicators:	[REDACTED] [REDACTED]

New Key Indicator(s):		
2 Do you agree that the description of the law (paragraphs 2.1-2.3) relating to elective home education is accurate and clear?		
	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response	
Key Indicators:		<div></div> <div></div>
New Key Indicator(s):		
3 Do you agree that the description of local authorities' responsibilities (paragraphs 2.5-2.11) is accurate and helpful?		
	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response	
Key Indicators:		<div></div> <div></div> <div></div> <div></div>
New Key Indicator(s):		
4 Do you agree that the section on contact with the local authority (paragraphs 3.4-3.7) is accurate and helpful?		
	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response	
Key Indicators:		<div></div> <div></div>
New Key Indicator(s):		
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?		

02/02/2008

Key Indicators:	
New Key Indicator(s):	
Answer/Comments:	Education Otherwise
8 Please use this space for any other comments you wish to make about the guidelines	
Key Indicators:	[REDACTED]
New Key Indicator(s):	
<div>Save Reset Delete Back Print</div>	
<div><< first < previous Ref: 419 Jump next > last >></div>	
Entire Response	[REDACTED]
[REDACTED]	

e-consultation

Logged in as: [REDACTED]

Home / Consultation on Home Education Guidelines... / Analysis / Response Edit

Consultation on Home Education Guidelinesdepartment for
education and skills

response edit

Consultations

Consultation Home

Manual Response Entry

Analysis

Campaigns

Acknowledgements

System Tools

This screen displays the contents of an individual response, including the respondent's personal details and their answers to the questionnaire. You can JUMP to another response by supplying an appropriate response number, or move to the NEXT or PREVIOUS response. The response number is the number automatically assigned to the response when it was submitted by the respondent. It is equivalent to the Consultation Unit's traditional Reference Number. It is assigned to each response and remains unique. Where a response has been deleted from the system, the reason is displayed in place of the response.

[Click here for more information about using this screen](#)

<< first	< previous	Ref: 420	Jump	next >	last >>
Entire Response		[REDACTED]			
[REDACTED]					
[REDACTED]					
Personal Details					
Response Type		Online Identifier: 420			
Title:		[REDACTED]			
First Name:		[REDACTED]			
Last Name:		[REDACTED]			
Email:		[REDACTED]			
Organisation:		Communities Empowerment Network			
Address:		[REDACTED]			
Response on behalf of an organisation:		<input checked="" type="radio"/> Yes <input type="radio"/> No			
Campaign:					

	Not Part of Campaign
Confidential Response:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Future Contact:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Acknowledge Response:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Acknowledgements:	Acknowledgement email
Inform when published:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Key Response:	
Respondent Information Questions	Identifier: 420
Which of the following best describes you:	
	<input type="radio"/> Home educator <input type="radio"/> Organisation representing home educators <input type="radio"/> Local authority <input type="radio"/> Young person who is/was home educated <input checked="" type="radio"/> Other (please specify)
Answer/Comments:	We advise, support, advocate and represent parents at exclusion hearings. I personally am a Reintegration and Exclusions officer in Croydon, which is the highest permanent excluding borough in London, and help reintegrate students.
Please specify:	
Consultation Questions	Identifier: 420
1 Do you agree that it is helpful for the DfES to issue guidelines to local authorities?	
	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response

Key Indicators:	<div></div> <div></div>
New Key Indicator(s):	<div></div>
Text for Report:	<div></div>
2 Do you agree that the description of the law (paragraphs 2.1-2.3) relating to elective home education is accurate and clear?	
	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> Not Sure</p> <p><input type="radio"/> No Response</p>
Key Indicators:	<div></div> <div></div>
New Key Indicator(s):	<div></div>
Answer/Comments:	see below
Text for Report:	<div></div>
3 Do you agree that the description of local authorities' responsibilities (paragraphs 2.5-2.11) is accurate and helpful?	
	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> Not Sure</p> <p><input type="radio"/> No Response</p>
Key Indicators:	<div></div> <div></div>

02/02/2008

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

7 a) Are the suggested resources in section 5 and appendix 2 useful?	
	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response
Key Indicators:	[REDACTED]
New Key Indicator(s):	<input type="text"/>
Text for Report:	<div></div>
7 b) Should any other contacts be included?	
	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure <input type="radio"/> No Response
Key Indicators:	
New Key Indicator(s):	<input type="text"/>
Text for Report:	<div></div>
8 Please use this space for any other comments you wish to make about the guidelines	
Key Indicators:	[REDACTED] [REDACTED]
New Key Indicator(s):	<input type="text"/>

Answer/Comments:	Please make sure that the guidelines cover this gap in provision. It mustn't be the parents responsibility to provide full time education when the 'third way' is the only option. This is punishing the child and the parent for no reason.
Text for Report:	<div></div>
<div>SaveResetDeleteBackPrint</div>	
<div><< first < previousRef: 420Jumpnext > last >></div>	
Entire Response	