

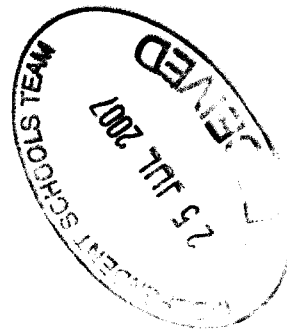
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# Consultation on Home Education Guidelines

## Consultation Response Form

The closing date for this consultation is: 31 July  
2007

Your comments must reach us by that date.



department for

**education and skills**

creating opportunity, releasing potential, achieving excellence

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

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

Name

[REDACTED]

Organisation (if applicable) (retired teacher)

Address:

[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](mailto: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](mailto:consultation.unit@dfes.gsi.gov.uk)

Which of the following best describes you:

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

Please Specify:

Grandparents of 3  
Home-Educated children

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



Comments:

Without guidelines there is a danger that LAs would/do use their own policy, which tends not respect the aims and the diversity of home-educating styles. These officials in general are blinkered by their own ~~prejudice~~ prejudice and belief that "School is Best".

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



Comments:

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

Comments: Although we agree that the LAs should recognise that there are many ways/ routes to a good education, we feel that the term "reasonable" <sup>progress</sup> is open to broad interpretations with no basis in law. Therefore "reasonable progress" needs to be removed. Secondly, this phrase suggests to "officialdom" <sup>a curriculum</sup> the need to define, monitor and test ~~not~~ not required by law and <sup>^</sup> actually contravenes the recent Human Rights Act, which gives parents

the right to educate their own children according to their own PHILOSOPHY  
4 Do you agree that the section on contact with the local authority (paragraphs 3.4-3.7) is accurate and helpful?

Comments: Parents have a choice about the level of contact they, personally, want with the L.A. Some may not feel the need for any affirmation from the L.A. This is usually because they are confident in their <sup>own</sup> ability to provide an education suitable to the age, ability, aptitude and any special <sup>needs</sup> ~~to be~~ ~~they~~ Far from being 'a possible cause for concern' they are aware that they know more about Home-Education than most of the advisers.

\* The comments about GRTs is a gross generalization and <sup>not politically</sup> correct in the 21st Century!!  
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?

completely

Comments:

3.11 is fine.

3.12 the last sentence should either be removed or reworded to say 'or any other form that would convince a reasonable person that education is taking place.'

3.13. None of these is required by the law and omission of any one of them does not mean that an effective education is taking place.

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

☐☐☒

Comments: More trust and respect from the L.A - desperately needed!

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

☒☐☐

Comments:

7 b) Should any other contacts be included?



Comments:

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

Comments:

Home Education is 'personalised learning'?

It is more completely concerned with the 'whole child' in spite of L.A. assertions that only they ~~can~~ understand / know what is best for children. For instance ~~is~~ bullying is rare in Home educating groups; children can thrive through being themselves; and committed HE parents make more time to listen, discuss and support their children in every aspect of the learning experience.

\* It is absolutely vital that the freedom to continue this wonderful access to broader knowledge and understanding than the schools of today are able to provide. It must not be curtailed by anything imposed merely for the purpose of making the job of the L.A. easier.



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

**Please acknowledge this reply**

☐

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

☐

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

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](mailto:homeeducation.consultation@dfes.gsi.gov.uk)

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922 8

**From:** [REDACTED] "OTHER" INDIVIDUAL  
**Sent:** 02 August 2007 14:44  
**To:** CONSULTATION, HomeEducation  
**Subject:** RESPONSE TO CONSULTATION ON ELECTIVE HOME EDUCATION GUIDELINES

Question number & my response:

1. Yes, to help interpret the law objectively instead of making subjective judgements.
2. It is reasonably accurate and clear as far as it goes – but it leaves LAs having to make considerable judgements, which they are ill equipped to make. For instance paragraph 2.2 refers to the “ability and aptitude” of a child. LAs are required to monitor the provision of education but the law says this should be suited to the “ability and aptitude” of each child. How can LAs make a judgement of the ability and aptitude of every child?
3. No, this is a major problem area. If LAs are required to provide written information about Home Ed, this should be produced by central government as every LA will have different views and interpretations, causing confusion.

Furthermore, LAs should not be asked to make judgements on what constitutes reasonable progress (para. 2.5) as there is not set definition for this i.e. the “ability and aptitude” of each child differs greatly.

If the consultation paper is correct in stating that Section 437(1) of the Education Act 1996 empowers LAs to make a judgement on the suitability of education provided to a child, then this is likely to cause LAs (and by extension parents) major problems as (a) “suitability” varies greatly as recognised by the consultation paper and (b) this will require considerable resources leading to LAs being overstretched which in turn may cause problems in the relationship between parents and LAs.

4. Not really. It is a shame that parents who exercise their legal right not to reply to LAs can then end up in court. When is a legal right not a legal right? Since the provision of education is so wide-ranging and “reasonable progress” so subjective, how is it that LAs will be satisfied other than by the narrowest of definitions? Unless of course they are going to accept any and all responses apart from those whose children are little more than abandoned, in which case it becomes a criminal matter and not an educational one. The risk of LAs attempting to judge on suitability and progress is that they may in effect criminalise parents who do not fit their criteria.
5. Para 3.11 lists what home-educating parents are **not** required to do. LAs must therefore recognise that this means there is a possibility of parents having no formal evidence of a “suitable” provision of education.
6. Overall, yes, but para 4.4 is too prescriptive. By “providing some indication of their objectives” parents are setting themselves up for trouble if the child(ren) concerned do not meet that objective, as defined by the LA. And it is recognised by the consultation that children develop at different times and speeds. How then can parents articulate “objectives”?

Ofsted reports on LAs should be made public.

7. (a) Suggested resources are always welcome but they should be just that: suggestions. Parents should have the option to take them up but by no means be obliged to do so. This includes Connexions – they should be an optional resource not a pro-active “monitoring” agency.

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Yahoo! Answers - Get better answers from someone who knows. [Try it now.](#)

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Which of the following best describes you:

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

We are a family living and learning together without reference to schooling. The children receive their education otherwise than at school and are in charge of their own learning. The parents observe, assist and facilitate every aspect of the children's needs in accordance with their own philosophy and belief and the age, abilities, aptitudes and particular or special needs of the children.

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

(We are responding during the extended period for the consultation because of the loss of our response due to difficulties caused by a system error at the DCSF online response web page.)

Not Sure

We are wary of guidelines that may affect our lives and the lives of our children. Our experience of local authority personnel working in education is that they are experienced in schooling. They frequently do not have a suitable understanding of autonomy for children in the matter of their lives and education, because they are trained in the traditional schooling model of education in which children receive uninvited teaching and are subject to assessments, testing and an unacceptable level of coercion. We are fundamentally opposed to this treatment of children. Our experience is that officials do not understand autonomous home education or education law and that, where they do understand the law, they do not agree with it and are prepared to misrepresent the law to home educators who do not know their rights in order to forward their own agenda of compulsory home visits to carry out monitoring and assessment of children who are home educated. This is a widespread abusive practice that typifies official attitudes to home educators in our opinion. It is reinforced by departmental official and public comments and communications in which government officials and ministers state that school is where children should best receive an education, that most people choose schooling, that many home educators welcome home inspection visits and monitoring etc., and that all education of children in this country is regulated and prescribed by the state and that home education is an unwelcome anomaly. We are dedicated to the real education of our children and the protection of their fundamental freedoms. Since our choice is routinely offended against, insulted and disrespected by local and national government, and since we view every aspect of schooling and imposed learning as anti educational and detrimental to the well being of children, we are very wary of guidelines about our alternative lifestyle choice being issued by any department of this government who praise schooling so highly whilst disrespecting our choice, because we genuinely fear the harm it may do in the lives of our children. In law, schooling and education otherwise than at school have equal status.

On the other hand, if guidelines were to be legally accurate and there were some form of redress for families whose lawful rights are not respected, or some sanction of warning to local authorities about overstepping the powers



conferred upon them, then this could be very helpful as well as conducive to good relations between home educators and their local authority where this is desired. However, it should be borne in mind that home educators are not obliged to have a relationship with their local authority. Legally accurate guidelines would also save the state unnecessary expense where local authorities currently use public funding to carry out expensive ultra vires practices.

Therefore, we hope that legally accurate guidelines will be produced.

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.

However, though efficient and suitable education are not defined in the Education Act 1996 they **\*\*are\*\*** defined in case law. So that part is misleading and may compound the worries of local authority personnel who believe they are responsible to ensure the education of our children as efficient and suitable etc. The case law definitions of efficient and suitable are part of the required standard, not specific curricula requirements or standards.

LAs can assist home educators financially, some already do. LAs have a discretionary budget that can be used for this purpose.

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

Please include in the final guidelines:

ECHR legislation, Article 8:

"Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

(LAs do not have the right of access to the home unless there is cause to believe a child is at risk. This should only be done in carrying out the functions already conferred on them, not as routine investigations of home educators.)

Please remove the phrase "reasonable progress." It is not legal. There is no duty to monitor home education.

It should continue to be emphasised that children who are being educated at home are not children missing education.

There should be a proper procedure to ensure that those home educators who welcome involvement in the development of LAs policy have the opportunity to take part. Ofsted should inspect for this standard as a part of their regime.

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



We find the comments about people from different cultural or racial groups racist and prejudicial. The Ivatts' report is a disgraceful example of arrogance about school systems and standards and judgements based on ignorance and prejudice about alternative educational methods. Comments in that study about alternative lifestyles and aspirations are completely unacceptable. LAs should not discriminate between categories of people who home educate. The law should be applied equally to all home educators.

There is no duty to monitor home education as other parts of the proposed guidelines already agree; therefore all references implying that monitoring is a duty of the local authority should be deleted.

Parents can answer informal enquiries in any reasonable manner. The local

authority should not attempt to influence the form of response and should not just accept a "wide range" of responses. They should accept responses!

The legal information about deregistration of a registered pupil from a state school is out of date. In fact the whole document is shabby and disrespectful to the home educating community in that it is seriously presented as proposed guidelines, is not written for us but expects our attention and is a patched up document of other pieces, some of which we recognise from the Scottish guidelines that are clearly not applicable to English law, since Scottish law is different, and increasingly so since it is now a devolved issue. We hope that officials in England will pay proper respect to English law.

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?

In response to general enquiries, parents need only provide information sufficient to dispel any appearance of a failure to provide a suitable education to a child in their care. If the local authority has no cause, as a result of these enquiries, to conclude that there is an appearance that the parents are failing their section seven duty, then that is the end of the matter. The local authority has fulfilled the legal duty.

Our local authority have written to us insisting that we must demonstrate all the features of your list at section 3.13 citing this proposed guidance. They feel that under section 3.14, if we do not demonstrate each of these characteristics they may conclude that we are failing our section seven duty. None of these features is a legal requirement. Your proposed guidance has already sanctioned the ultra vires practise of my local authority. Here are some reasons why I do not like your list:

The privacy and freedom of our family depends on us being able to provide the answer we think suitable to show that we are not failing in our section seven duty. We are more than confident that we can do this, but we should not have to do it with reference to any list of desirable characteristics set out by the local authority. For the reason that we view a list as an attempt to influence the form or content of our response, and the concept of a list as providing a dangerous precedent for developing extra legal requirements that may be harmful to our children, we are opposed to any form of list of requirements that must be fulfilled before a provision can be deemed suitable. We believe the current legal standard that a parent should provide sufficient information to dispel any

appearance of a failure to fulfil the section seven duty is easy to understand and does not need explanation. However, the following points address the list you have come up with in the current proposed guidelines:

Point one asks us to demonstrate to the local authority that we are consistently involved in the education of our children. This is not only not a legal requirement, but is also a private matter about how our family functions and is therefore not a matter for official inquisition.

Point two asks, in effect, that we demonstrate to an official from the local authority that we take our children's needs and aspirations seriously. This is not only not a legal requirement, but is also a private matter about how our family functions and is therefore not a matter for official inquisition. Additionally the monumental hypocrisy of this proposed requirement now motivating our local authority is breath taking. We absolutely refute and reject the authority or qualification of LA personnel to address this aspect of our provision, or of any family, while they so completely disrespect and mistreat children in their compulsory provisions! This authority carries out truancy sweeps. How is that recognising the needs, attitudes and aspirations of children? Of course we take our children, their needs, attitudes and aspirations seriously or we would not be home educating them, but we refuse to have this aspect of our parenting as a subject of official enquiries and to be told that under section 3.14 if we do not demonstrate that we take our children seriously the authority will write to us to tell us why our provision is unsatisfactory. This is not a legal requirement and should not be in the guidance.

The same thing applies to the rest of 3.13 some of which is ridiculous, such as the requirement to show that our children's learning is not boring, ("Opportunities for the child to be stimulated by their learning experiences.") We think this is an example of why these lists are likely to be unhelpful, because they are an example of "school" thinking. If a child chooses their own learning experiences they would choose things they find stimulating. If they were in school, however, it might be necessary to plan and provide these specially arranged "opportunities" in between uninvited teaching sessions in order to prevent them from toppling over into brain death! Most people who have been schooled are familiar with opportunities to be bored! However, we have the luxury of just being able to live a life, which is full of opportunities of itself, and where the extremely rare occasion of boredom is merely a signal and a motivator, in between periods of development, to move on and find something suitable without artificially arranged appointments that may only maintain the status quo. However, the law does not stipulate the right not to be bored or that parents can be deemed to be failing their section seven duty if they do not demonstrate stimulating opportunities to the local authority.

We think there should be no list of acceptable or expected characteristics and that the legal standard should be maintained in guidelines. Parents may answer

enquiries in their chosen method with sufficient information that would satisfy a reasonable person, on the balance of probabilities only, that they are not failing in their section seven duty

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

\_\_\_\_\_

We agree with the response of our regional group who said, "We think this could be useful if they accurately interpret the law and would then assist good relationships with the LA and home educators, where this is wished. Some home educators do not want to have a relationship with the LA further than answering informal enquiries and this should be respected."

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

\_\_\_\_\_

**We have found all of our resources and support ourselves or with information from other home educators.**

7 b) Should any other contacts be included?

East Midland Home Education yahoo group and network for families home educating in the region.

<http://groups.yahoo.com/group/emhe/>

AHEd (Action for Home Education) is a National Home Education information, support and action network group for England, Wales and Northern Ireland. Membership is free to those who support the group's aims. Members take part in discussion group and membership action to support home education freedoms. AHEd has a public access wiki where you can make your own pages or add to information on pages.

Contact details:

website: [www.ahed.org.uk](http://www.ahed.org.uk)

Email: [enquiries@ahed.org.uk](mailto:enquiries@ahed.org.uk) or [ahed@ahed.org.uk](mailto:ahed@ahed.org.uk) or

AHEd public wiki, pages of information, articles, news and links of relevance to home education: <http://ahed.pbwiki.com/>

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

Children's comments:

██████████ (aged nine years.) Please don't boss us about. You should think the best of people and not the worst.

██████████ (aged twelve years.) First off, I like being at home and being educated at home. It would be irritating to be visited by the local authority. I love being with my friends but, luckily, because I am home educated, I don't have to be with them all the time every day even though it is lots of fun. (Don't skip on the fun Uncle ████████!!!)

██████████ (aged thirteen years.) I don't know if we need guidelines or not but they might be helpful if they were right. I wouldn't like a stranger to come into my home to ask me questions about ridiculous things because aside from it being a stranger, which is intrusive, they shouldn't assume that everyone is guilty and needs to be checked upon every year. We shouldn't have to show 3.13 because it is not the place of the local authority to intrude on our family and tell us how to show education. The list shows they might not actually listen to us because they want us to do it their way. It doesn't actually stimulate a child's brain to have everything put out for them like opportunities to be stimulated. They can choose their own opportunities and if they don't they are not ready for it yet.

I wouldn't like information about me given to people I don't know, like connexions, without my permission. I would like to know what the information is before it is passed on.

I don't want to have to move to Scotland to be able to have EMA when I am sixteen. I think it is not fair that home-educated people don't get EMA just like any other student who carries on learning after sixteen.

Why do the truancy people have to stop people in the street when they already know who is not in school because of the registers? They should just believe children who say they are home educated if they haven't got proof that they are not ... or they could just torture them until they tell them what school they don't go to!

**Please acknowledge this reply x**



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.
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**Thank you for taking time to respond to this consultation.**

**Send by post to:**



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

Name

Organisation (if applicable)

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](mailto:elaine.haste@dfes.gsi.gov.uk)

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Fax: 01928 794 113

e-mail: [consultation.unit@dfes.gsi.gov.uk](mailto:consultation.unit@dfes.gsi.gov.uk)

Which of the following best describes you:

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

NB Not specified by respondent

Please Specify:

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

Comments: It should be made clear that the guidelines are for local authorities and not parents.

It should also be made clear that the legal responsibility of the LA is to act ONLY when there is an appearance of failure to provide an education; this is not the same as ensuring a suitable education. Ensuring a suitable education is the responsibility of the parents.

Currently LAs often think they have duties at a role regarding children educated rather than at school which has no foundation in law.

A change in wording would be helpful,

1.1 From "at home instead of" to "by means other than".

1.3 From "at home" to "other than at school"

1.4 From "suitability" to "fact"

This part is unnecessary repetition:

"They must also ensure that their children receive suitable full-time education for as long as they are being educated at home. "

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

Comments:

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

Comments: It would be helpful to change,

2.5 "make reasonable progress" to "receive an education suited to their age, aptitude and ability"

Again it would be helpful to add that judging which of these approaches is best for individual children is a parent's rather than a LA responsibility.

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

Comments: This section implies that the LA has authority to meet and discuss the educational provision, it doesn't.

3.4

The paragraph implies that if a family do not want involvement with the LA, that

this is evidence of a problem. This implication is not warranted.  
The reference to GRT families seems to be racial discrimination.

3.6

It should be made clear that this paragraph refers to serious concerns about educational provision.

3.7

This paragraph implies that even if there are NO concerns about the educational provision, parents must still either meet the LA or provide a report. This is not what the law says. This would be both very time consuming and expensive.

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: 3.11-3.13 Helpful

3.14 Not helpful. Implies a tick box system.

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

Comments: However, it has the potential to be very helpful.

Good to see that there are lots of important points for local authority employees in this section. However, it needs re-working in order to promote equal relationships between local authority employees and those families who SEEK such relationships.

4.1: For relationships to be rooted in mutual understanding, trust and respect, any relationships must not be forced or otherwise compulsory.

4.2: It is impossible for relationships rooted in mutual understanding, trust and respect to evolve if there is an obligation for relationships to be formed. The very

fact of obligation upsets the balance of the relationships. However, if the guidance can help local authority employees to develop relationships based on trust with

THOSE WHO WANT TO HAVE THEM that would be a good thing.

4.3 Although some parents may welcome general advice and suggestions about resources, methods and materials, SOME MAY NOT. LAs should not specify a curriculum which parents must follow.

4.4 "Their commitment to providing an efficient education that is suitable for their child may be demonstrated by THEM STATING THAT THEY ARE PROVIDING EDUCATION OTHER THAN THAT OF SCHOOL FOR THEIR CHILDREN.

4.6: Local authorities should provide ALL parents with children of compulsory education age with information referred to in section 4.5.

Please note that there is no obligation for local authority employees to request to meet with parents/children who are educating/educated other than at a school. Parents who educate other than at a school do not have to agree to meet with the same if requested.

4.7: "Local authorities should acknowledge that learning takes place in a wide variety of environments and not only in the home. Some parents are happy for the local authority to have the opportunity to see the child in their learning environment," SOME ARE NOT.

"The authority does not, however, have a legal right of access to the home and the matter should not be forced." OR ROUTINELY REQUESTED

4.8: GOOD

"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 the education provision being made."

However the following statement is misleading.

"LAs should, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means.

Parents might prefer, for example, to write a report, provide samples of work, have their educational provision endorsed by a third party (such as an independent home tutor) or provide evidence in some other appropriate form."

Local authority employees should not be able to discuss and evaluate the parents' educational provision as a matter of course, via meetings or otherwise.

4.9: The welfare and protection of all children, both those who attend school and

those who are educated by other means, are of paramount concern and the responsibility of the whole community. As with school-educated children, child protection issues may arise in relation to home-educated children. If any child protection concerns come to light in the course of engagement with children and families, or otherwise, these concerns should immediately be referred to the appropriate authorities using established protocols. AS WELFARE AND PROTECTION CONCERNS ARE NOT EDUCATIONAL ISSUES. HOWEVER, LOCAL AUTHORITY EMPLOYEES SHOULD NOT REFER CHILDREN TO OTHER AGENCIES AS A RESULT OF THEIR FAMILIES EDUCATIONAL BELIEFS.

4.11: Authorities will wish to review all of their procedures and practices in relation to home education on a regular basis to see if improvements can be made to further PROVIDE SERVICES TO PARENTS WHO REQUEST THEM (rather than: develop relationships and meet the needs of children and parents). Home education organisations and home-educating parents MUST (instead of should) be involved in this process of review IN ORDER FOR IT TO BE REGARDED AS VALID BY THEM. Effective reviews, together with the sensitive handling of any complaints, will help Las TO PROVIDE SERVICES TO THOSE WHO SEEK THEM (rather than to secure effective partnership.)

Educational responsibility starts and stops with parents: there is no automatic partnership. However, some parents might welcome voluntary partnership with Las.

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



Comments: Section 5 is only helpful when stressed that it is intended to PROVIDE SERVICES TO PARENTS WHO SEEK THE ADVICE, and that many may choose not too.

It also implies that local authorities can pick and choose which families to give assistance to - another aspect which would impede any possible "equal footing" relationships.

5.10 The guidance must state that LAs must remember that children educated other than at a school do NOT have to give any information



(personal or otherwise) about themselves to school truancy patrols other than to state that they are educated other than at a school, are home educated, or have a home based education etc.

7 b) Should any other contacts be included?



Comments:

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

Comments: We have a very good relationship with the LA in our area, and I realise how fortunate we are. This relationship exists, not because the LA have contact with every individual family that chooses to educate their children otherwise, but because they have a good relationship with those that CHOOSE to contact them, with the mutual respect that the consultation talks of. This makes them extremely approachable for others considering contacting them, and makes it more likely that they will do so.

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?

☐

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.

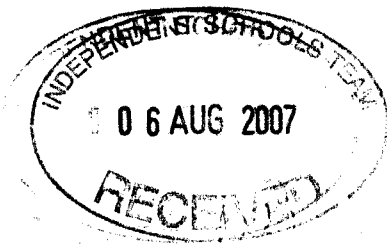
Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

**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



939

Department for Children, Schools and Families

Dear Sirs,

Please find enclosed my response to the Consultation on Elective Home Education Guidelines. I am a home educating parent, and I wish to remain anonymous.

I am very glad that the Department has expressed a commitment to listen to home educators. I hope this will always be the case, as by its nature, elective home education will always differ from the model of education

familiar to most.

Yours faithfully,

[REDACTED]

# Response to Consultation on Elective Home Education Guidelines for Local Authorities

## Question 1

Answer: Not Sure

Guidelines may be helpful to Local Authorities if they:

- highlight the fact that the law allows parents to home educate
- highlight the fact that the responsibility for providing education at school or otherwise rests with the parent NOT the L.A.
- are unambiguous
- do not seek to infringe on the rights of parents by overstepping or misinterpreting their statutory responsibilities.

### Section 1.1.

"... at home " should be replaced with "otherwise than at school "

### Section 1.2

The law only states that a child's education should be "suitable" not "broad" therefore the word "broad" should be removed from the guidelines

### Section 1.3.

I believe that the LA is responsible for providing education to those children whose parents have registered them at a school under LA control. As I understand the law, home education is the responsibility of the parent, not the LA. Indeed, this is stated in Section 2.1.

It appears as though the consultation document is confused and confusing. In one area it is stated that "the responsibility for a child's education rests with their parents (Section 2.1)" and in another it would appear that

The Department is seeking to create a sense of responsibility on the part of the LA. (Section 1.3)

### Question 2

Answer: Yes.

This section of the document is clear, unambiguous and welcome.

### Question 3

Answer: No.

There is some confusion in this section.

### Section 2.5

"Roles and responsibilities" are not defined. Nor do they need to be defined if the information provided by the LA is clear regarding the legal position of a parent choosing to home educate. If a parent chooses to home educate, then this is ~~their~~ responsibility and ~~their~~ role.

The LA has no responsibility for the child's education since this is assumed

by the parent. This sentence is suggestive of a "role" or "responsibility" on the part of the L.A. and, as such, it is misleading and should be removed.

"All children should make reasonable progress." As above, this statement is misleading and should be removed. It implies that someone (the L.A.) should be monitoring the progress of a child educated at home. In law, the parent is responsible for ~~not~~ providing an education not for monitoring progress, although of course, under normal circumstances progress will be made, and the parent will be aware of this.

### Section 2.6

This section is not helpful. It would appear that the possibility of a child missing education is brought to mind and only after this suggestion has been raised is it stated that in fact the duty to identify such children does not apply to home



educated children. This is unfortunate and unnecessary. It could simply be stated that home educated children will not be assumed to be "missing" from education under the Education and Inspection Act 2006.

### Section 2.7

LA's have no statutory duties in relation to monitoring the quality of home education at all, not to mention, "on a routine basis." This is another example of confusion and ambiguity in these guidelines. It is unhelpful and should be removed.

The rest of the paragraph is sufficient by itself with the removal of "however".

### Section 2.11

This section is confusing. As far as I am aware, LAs do not have any right of entry into the home of ANY child, whether registered at school or not.

## Question 4

Answer: Not sure.

Sections 3.1, 3.2 and 3.3 appear to be fair. Section 3.4 is disturbing. The tone is negative and unhelpful. The law requires that a parent must provide an education for the child. It does not specify that they must have a relationship with the LA. Instead of pointing out that if parents do not want involvement with the LA, this does not indicate a problem, this paragraph should state that the law does not require a relationship between parent and LA, but that if parents seek to establish such a relationship, the LA will endeavour to provide such support as may be required by the parent.

## Section 3.10

Who defines "reasonable timescale"? Perhaps the parent should be allowed at least one year to adjust to home education in circumstances

where the child has been deregistered from school. After all a NQT has a one year probation period!

### Section 3.11

The section is helpful and shows some appreciation of how home education works and how it may differ from education at school.

### Section 3.12

Rarely will a professional's training equip him for assessing or assisting home educating families, simply because they operate as families, not institutions. Home education advisors or facilitators need to appreciate this and approach home educators with respect and humility.

### Sections 3.15 + 3.16

Sometimes LAs do not or can not provide for the needs of children with SEN for various reasons. It would only seem fair that parents who are struggling to provide for their child's SEN are treated in the

same way as an LA would be treated if given enough time and resources to enable them to cope in the long term.

## Question 6

### Section 4.1

Safeguarding the educational interests of children is the responsibility of their parents. Relationships between LAs and home educators will only be based on trust and respect if the LA's remember the above.

"A positive relationship will also provide a sound basis if the authority is required to investigate assertions from any source that an efficient and suitable education is not being provided." This sounds as though parents may be regarded as guilty until proved innocent. This is of grave concern. "From any source" is deeply worrying

Section 4.3

"One approach is not necessarily any more efficient or effective than another." But there may be ~~more~~ methods that are more familiar to the LA representative and therefore they are more likely to be judged efficient or effective.

"LA should not specify a curriculum" should be changed to indicate that the law does not require parents to follow any particular curriculum.

**From:** [REDACTED]@cornwall.gov.uk]  
**Sent:** 06 August 2007 11:14  
**To:** [REDACTED]  
**Subject:** FW: Elective home education

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 06 August 2007 10:50  
**To:** 'www.consultation.UNIT@dcsf.gsi.gov.uk'  
**Subject:** Elective home education

### Questions for Consultation

1. **Do you agree that it is helpful for the DfES to issue guidelines to local authorities?**  
It is helpful to have a consistent set of guidelines that can be implemented across the country, that are based in law and not open to local interpretation.
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 law relating to Home Education is in conflict with recent legislation. Whilst it is the parents' right to educate their with regard to their religious and philosophical background, it goes against religious inclusion and the varied philosophical backgrounds that spring from a multi-cultural society. The contradictions in law could be seen to provide the opportunities for religious intolerance and give rise to dogma.
3. **Do you agree that the description of local authorities' responsibilities (paragraphs 2.5-2.11) is accurate and helpful?**  
The description of the LA's responsibilities remains ambiguous. Whilst it remains that the LA has no right to see the child or enter the home, they are not in a position to monitor the suitability or effectiveness of the education provided.
  - There may be Health and safety concerns in terms of the education setting,
  - If the LA has no right to see the child how are they meant to assess whether the child had made any progress and is equipped for life in his/her community and life beyond?
With respect to safeguarding children, it is widely accepted that schools are in an excellent position to monitor the health and well-being of children and young people. When the LA representative has no legal power to see a child on their visits how can the LA be seen to be fulfilling their duty to safeguard? The child could be dead, be living with relatives (when all sorts of cultural practices may be taking place) or neglected. It is naïve to assume that the public would ring in their concerns to Children's Social Care as many families live in isolated settings and have a long tradition of being on the fringes of society. It would be much more useful for LA to be instructed to check against CONTACT POINT or their local Social Care Services to establish if any concerns exist, and where such concerns exist a plan formulated between the family and the LA to monitor the child's welfare/education
4. **Do you agree that the section on contact with the local authority (paragraphs 3.4-3.7) is accurate and helpful?**  
There is very clear guidance on what the parents can expect and request from the LA. However, the LA is not able to monitor the child's welfare of fulfil their duty to safeguard the child if they have no right to see them or to view the education setting
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?**

07/08/2007

I would like to see this tightened up. The draft currently states that the LA should advise and support parents with

- o **Equipped premises** – does this mean that parents will be interpreting this as the LA should provide specialist learning environments. E.g an IT suite, a science lab, a DT room, an extension on a parent's house for an art room!?
- o **Formal lessons** - will this be interpreted as the LA providing 1:1 tuition with a qualified teacher, a formal setting?
- o **School peer group** – will the LA be held responsible for providing social networking opportunities?

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

The overriding factor that makes it difficult to establish consistent working relationships with the LA and parents is the inability to see a child at home or in their education setting when monitoring their education. Parents are distrustful and LA officers forced to accept that in many cases they are unable to say whether a child has made any progress as they have not seen the child (again). A referral to Social Care does not endear the LA officer to the family.

There must be a procedure between social care and the LA EHE Officer that can be implemented when a child is not seen. The 1989 Children's Act S47, says there is a duty to investigate if there is reasonable harm. Whilst the LA officer is unable to see the child he/she is unable to determine whether the child is at risk.

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

How can the LA be expected to assist in arranging work experience for a child they may have not seen. The will not be able to assess their social skills and the appropriateness of the placement for the young person

**7b. Should any other contacts be included?**

CRB and vetting and barring details

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

Assumptions have been made that families wishing to Home Educate their child will have deregistered their child from school.

- o **What happens to the small number of children that have NEVER been registered at pre-school and then mainstream school?**

\*\*\*\*\*

Please note that the Council may need to disclose this e-mail under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.

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07/08/2007