

Home Education – Statutory Guidance for Local Authorities and a Handbook for Home Educators

Consultation response form

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Responses should be returned by **21 October 2019** to

Support for Learners
Education and Public Services Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or completed electronically and sent to:

e-mail: WELLBEINGshare@gov.wales

This will reinforce the Welsh Government's commitment to ensuring children and young people receive a suitable education and that all children in Wales are given the chance to thrive and fulfil their potential.

About NEU Cymru

- The National Education Union Cymru stands up for the future of education. It brings together the voices of teachers, lecturers, support staff and leaders working in maintained and independent schools and colleges to form the largest education union in Wales.
- The National Education Union is affiliated to the Trades Union Congress (TUC), European Trade Union Committee for Education (ETUCE) and Education International (EI). It is not affiliated to any political party and seeks to work constructively with all the main political parties.
- Together, we'll shape the future of education.

Our Response

NEU Cymru welcomes the opportunity to respond to this consultation. We believe that, overall, a database is a positive step towards protecting the rights of children and young people educated at home.

We would highlight that the consultation points to a significant rise in home educated learners in Wales. We would expect that this ties in with a lack of funding, both for education and other public services.

That is, we have seen schools try to fill the gaps left by cuts in social care increasing in recent years. Whilst we accept that austerity has a role to play in this, the impact on the learning for children and young people is substantial and will potentially have a negative impact on Wales for the future.

Overall, we would be concerned that this guidance is written in a way which will make practical use difficult. We would expect what a Local Authority **should** and **should not** do to be more prominent.

Question 1 – Does the draft statutory guidance provide suitable information to enable local authorities to assess the suitability of the education received by home educated children?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

NEU Cymru welcomes this guidance and supports this step towards registering of home educated learners. However, overall it is wordy and unclear and needs to make clear Local Authority duties.

Question 2 – Chapter 1: legal responsibilities – Does this chapter clearly set out the rights of parents to home educate their children and the duty on local authorities to identify children and make enquiries about their educational provision?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 1 is unclear. However, 1.11 and 1.12 read as critical of the school system's ability to meet the needs of individual children. This is not necessary, and must be re-written.

Question 3 – Chapter 2: identifying children not known to the local authority –

- a) Does this chapter clearly outline the requirement under Section 436A of the Education Act 1996 for local authorities to make arrangements to enable it to identify, so far as it is possible to do so, the identities of children in its area who are not receiving a suitable education?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

2.10 does not specify any circumstances when a Local Authority may disagree. Please include this. This chapter generally needs to be clearer. The boxes which outline the aspects of law should be included as a footnote. How they are interpreted here should be set out more clearly eg with bullet points.

- b) Do you think that the development of a database is a reasonable and proportionate approach?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We would be in favour of a full register, to ensure the rights of a child are protected.

- c) Do you think there should be a system in place requiring independent schools and local health boards to share limited specified information with local authorities, to enable them to identify children who are not known to them, in order to make arrangements to ensure that these children are receiving a suitable education?

If 'no', how would you suggest the local authority complies with the requirement to identify children who are not known to them in order to make arrangements to ensure that these children are receiving a suitable education?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This seems a sensible approach. Joint working is welcome and must be supported. However, chapter 3 is weak in terms of information sharing and implies Local Authorities need not necessarily share information between departments. This is a huge concern.

Question 4 – Chapter 3: efficient and suitable education – This chapter focuses on the requirement for local authorities to consider whether the education provision is suited to the needs of the individual child; whether learning is taking place; and whether the child is making reasonable progress in line with their age, aptitude and any special education needs they may have.

- a) Families opting to home educate should be able to offer a suitable education from the outset and have made preparations with that aim in view. That said, do you think there should be a reasonable period of adjustment for families before the local authority considers whether a suitable education is being provided? If ‘yes’, please note what would be considered reasonable in your opinion?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Any period of ‘adjustment’ must meet the needs of the child, as set out under this guidance. The terminology will need changing in line with Curriculum 2022, which says “developmental” not “age” appropriate.

- b) Section 4.15–4.18 of the statutory guidance refers to the suggested characteristics of a suitable and efficient education for local authorities to consider. Is there anything else you think should be included?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Under Curriculum 2022 there are other areas which will be statutory in schools, including SRE and wellbeing. These should be an absolute minimum, alongside developmental appropriate literacy and numeracy.

- c) Article 12 of the UN Convention on the Rights of the Child (UNCRC) states that children have the right to have opinions and for these opinions to be considered when people make decisions about things that involve them. The statutory guidance states that in order for a local authority to satisfy itself of the suitability of education provided, the local authority should see and speak with the child. Do you agree with this statement? If ‘Yes’ what would be the best way to gather the views of the home educated child?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There are a range of good practice examples available to ensure this. We would be concerned that the circumstances official does not meet the child be set out, to ensure safeguarding.

- d) In your view, how often would it be reasonable for the local authority to meet with the home educating family to assess the suitability of education provided? Please explain your views.

Supporting comments

- e) In your view, who would be best placed to conduct the visits and assess the suitability of the education provision and why? For example, this could include (but is not limited to):
- local authority home education officers
 - an independent panel of education professionals
 - a qualified teacher
 - a teaching assistant
 - other.

Supporting comments

This guidance is extremely broad, therefore, decision making rests firmly with this individual.
Appropriate training should be given, and should ensure that the person has regular contact with schools, to ensure they are aware of the range of education on offer to children.

- f) In your view, who else should input be sought from when the local authority is assessing the suitability of the education provision and why? For example, this could include (but is not limited to):
- educational psychologists
 - a speech and language therapist
 - other specialist professionals.

Supporting comments

This should be relevant to the child's needs. For example, for a partially-sighted child you may want to speak to a Qualified Teacher of the Visually Impaired (QTVI).

- g) Do you have any other comments on this chapter?

Supporting comments

Question 5 – Chapter 4: school attendance orders (SAOs) and education supervision orders (ESOs) – This chapter focuses on existing powers available to local authorities when they are unable to satisfy themselves that a home educated child is receiving a suitable education.

Whilst home educators are under no duty to respond to reasonable requests from the local authority, case law has established that it would be unwise for them not to respond. In the absence of information that suggests that the child is being suitably educated, it is reasonable for the local authority to conclude that the education provision does not appear to be suitable.

Is this chapter clear about:

- a) local authority responsibilities to issue SAOs and ESOs?; and
- b) clear about the process to follow when issuing SAOs and ESOs?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

4.11 This chapter is confusing. Whilst it explains in great detail what home education could look like it says it “should not” include testing. Surely, this should say “may not”.

Clearly, the rights of the child to be educated should be given more of a priority.

Question 6 – Chapter 5: educational support – This chapter considers the advice, information and support local authorities could make available to home educating families. Do you think this chapter is useful?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is chapter 6 in the guidance. 6.8 is unclear, as will access to Youth Services, eg an Educational Psychologist, incurs a cost. Who pays?

Question 7 – Chapter 6: Safeguarding – This chapter outlines existing safeguarding duties that apply to local authorities. Whilst there is no proven correlation between home education and safeguarding, specific safeguarding duties apply to all children regardless of how they receive their education. Do you think this chapter is useful?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

7.3 This ‘child centered’ approach is not clear throughout the document. 7.22 It is disappointing this Welsh Government Document is yet to be issued, and should be done so before this guidance is issued. Overall, this chapter is written (like much of the document) in essay style. The guidance should set out more clearly what is expected of relevant parties.

Question 8 – Handbook for home educators – This handbook provides information for those who are or are considering educating their child at home. Is there anything else you think should be included?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 9 – Whilst we acknowledge that flexi-schooling is not home education, we are aware that some home educators would welcome information on what it is. Do you think this information (see sections 6.15–6.19 in the statutory guidance and 1.20–1.21 in the handbook) is useful?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

If this information is aimed at “home educators” we would question why it is included in the Local Authority guidance.

Question 10 – We would like to know your views on the effects that statutory guidance for local authorities regarding home education would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Supporting comments

1.10 Sets out that “language choice” is a reason for home education. However, where a child is educated at home, language should be recorded, and where there are numbers sufficient, the Local Authority should consider creating provision for Welsh or English.

Question 11 – Please also explain how you believe the proposed policy could be formulated or changed so as to have:

- iii) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.
- iv) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Supporting comments

See above.

Question 12 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Overall, the chapters do not relate directly to this consultation and are confusing i.e. School Attendance Orders are chapter 5, not 4, as outlined in these questions.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: