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Elective Home Education - Draft DfES Guidelines

I am writing in my capacity as Head of the Education Welfare Service in Cambridgeshire to comment on behalf of Cambridgeshire LEA on the Department's recent draft guidance on Elective Home Education. In making these comments I have consulted with colleagues from the Authority's Inspection Service, Traveller Education Service, Student Assessment Service and Child Protection Service and with colleagues from the Connexions Service.

This Authority has been lobbying the Department on the issue of home education for several years and greatly welcomes the fact that the Department has now decided to issue guidance.

1. The Authority notes that the central purpose of the document which is sub-titled "Guidelines for LEAs..." is stated as being "to assist LEAs and home educators to build effective relationships that function to safeguard the educational interests of children and young people" (4.1). There is perhaps an implied contradiction here. Are the guidelines for LEAs or for LEAs *and* home educators? It may have been helpful for the document to have made explicit reference to the need to support LEAs to carry out their statutory responsibilities in relation to children who are home educated. This Authority is strongly committed to working in partnership with all parents. The regrettable fact remains, however, that a small minority of parents who express a wish to home educate their children persistently obstruct the efforts of the LEA to work collaboratively with them in ensuring that the provision is suitable. The LEA needs to be able to ensure that it can satisfactorily carry out its statutory responsibility to ensure that all children in its area are properly educated.
2. The guidance states that LEAs can intervene should they have reason to believe that parents are not providing a suitable education (2.6). This seems to imply that the LEA requires clear and demonstrable grounds in order to intervene - ie the

Director of Education, Libraries & Heritage LEA needs to have specific evidence to justify an enquiry. Later in the document, this point is made more explicit. Section 4.2 states ".....whether or not parents are required to demonstrate that suitable home

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education provision is being made available." Clearly then, by implication, some parents will not be required to demonstrate that suitable home education is being provided. This is a very grey area and the draft guidance appears to be open to misinterpretation.

3. As if to emphasise this point the guidance then states that if there is no evidence

indicating that there may be concerns over a child's withdrawal from school then there should be no concern over the arrangements for home educating (3.10). The guidance clearly implies, to reiterate the point made above, that unless the LEA has specific grounds to be concerned then it does not need to inspect; it should just accept the parents' assurance that provision is being made. The guidance clearly states that only "if information exists which may cast doubt on whether an efficient and suitable education can be provided" should the LEA seek to gather information (3.11). This Authority has grave concerns over this aspect of the guidance and its potential implications with regard to the protection of children's educational entitlement. This Authority would argue that it is insufficient and inadequate to "assume that efficient educational provision is taking place, which is suitable for the child, unless there is evidence to the contrary" (3.10) and that the LEA cannot properly meet its legal responsibility to ensure that all children in its area are properly educated on the basis of such assumptions.

4. The statement in the guidance that parents are not legally required to notify the LEA should they decide to home educate is a further concern to this Authority (8.4 and 3.9). This Authority believes that an opportunity exists to close what is in effect a loophole but that the guidance has not addressed this.
5. The LEA strongly supports the suggestion that parents should be given reasonable timescales to demonstrate - if indeed they are being required to demonstrate! - that they are providing a suitable education (3.9). It may be helpful to be specific about these timescales.
6. With regard to the issue of how parents provide education the guidance states that the LEA should offer "advice and support to parents" if requested (3.13). This Authority believes that great care needs to be exercised with regard to the use of the words "advice" and "support". Officers from this Authority will always do their utmost to facilitate the process whereby parents can undertake home education. It is open to considerable discussion, however, as to whether it is the responsibility of the LEA to offer specific "advice" and "support" when parents wish to assume responsibility for educating their children. It might be suggested that the offering of "advice and support" potentially redirects some portion of responsibility back to the LEA. Whilst always endeavouring to work in partnership with parents officers from this Authority will always make it clear to home educating parents that they are assuming sole responsibility for their child's education.
7. The guidance offers some helpful advice about what those LEA officers considering home education provision should expect to find (3.15). This is to be welcomed. There is, however, no mention of learning or the characteristics of an effective learner. The guidance appears to assume that if there is provision then learning will follow automatically.
8. The guidance states that parents should promptly be given a full, written report (3.16). This is again to be welcomed.
9. The guidance is quite clear that the LEA does not have any right of access to the home - ie to the child (3.17 and 4.7). This Authority considers that this is a potential child protection loophole which the Department should address as a matter of urgency. Later in the guidance it is stated, "Where there is conflicting evidence as to the home educating characteristics..., the only way the LEA can reasonably clarify these contradictions may be to seek access to the home environment. However, the authority must have demonstrable grounds for concern and must outline those grounds to the parent when requesting access to their home" (3.19). This Authority believes that this particular piece of guidance is unhelpful in that it is abstract and

takes no account of practical realities. Further clarification and more detailed guidance is required on this important issue.

10. The guidance recommends that "ordinarily" the LEA should maintain contact on an annual basis. (3.18). Whilst in principle, this Authority would agree with this it does, however, raise considerable and very serious issues of capacity.
11. With regard to the sections on SEN (3.22 - 3.27) the Authority would wish to note its concerns that it needs to be able to carry out the Statutory Review and to do this effectively would need access to the child (see comments above and below). The parents of a statemented child are required to demonstrate that suitable education is being provided. This again raises issues concerning access to the child. It is also necessary to recognise that the Connexions Service has a role to play within transitions planning. A Personal Adviser is required to attend the year 9 review, contribute to and oversee the delivery of the transition plan, attend subsequent reviews as appropriate and then complete an assessment of the young person in his/her last year of compulsory schooling. Again, the issue of access to the child is crucial.
12. With regard to the issue of monitoring (4.9), this Authority is concerned about the use of the terms "Home Education Adviser" or "Consultant." To reiterate a point made above, use of such language may be open to misinterpretation by some parents. The LEA, as already emphasised, will always do its utmost to facilitate the process for parents who wish to undertake home education, but the Authority would not consider that it was part of its roll or function to offer advice or consultancy. (The guidance incidentally does appear to be unclear as to the role of the Education Welfare Officer in the home education process; in this Authority Education Welfare Officers play no part in the inspection/monitoring process; rather, their role is to accompany the Inspector on the visit and to consider any potential welfare or related issues; of course, if the parents decline to accept a visit then this role cannot be undertaken.)
13. The sections of the guidance covering child protection (4.10 to 4.13) fail, in the opinion of this Authority, to recognise and address key issues and ignore the peculiar and unique position of children who are home educated. This Authority of course recognises that child protection is a shared responsibility. The unique position and circumstances of children who are home educated, however, warrant special consideration. A child who is educated at school comes into contact with and is seen by a range of professionals on an almost daily basis. A home educated child may, in some circumstances, not be physically seen by any person or professional outside of the child's immediate family for months, or even years, on end. This Authority would urge the Department to reconsider these sections of the guidance in order to ensure that children who are home educated are fully and -properly protected and are given the same entitlement to protection as children who are educated at school. This Authority has previously corresponded with the Department on this issue on several occasions.)
14. Whilst always welcoming discussion with and the involvement of other stakeholders this Authority is doubtful as to the appropriateness of formally involving Education Otherwise and similar organisations and home educating parents in the review of its internal policies and practices (4.15).
15. The section of the guidance on the support and resources which LEAs should offer home educating parents is, in the view of this Authority, rather ambiguous and open to misinterpretation (5.2). Whilst acknowledging the need for partnership, the LEA should not give parents any potentially mixed messages with regard to any support or resources to which home educating parents may mistakenly believe that they are

entitled.

16. With regard to the section on Connexions (5.5), the Authority would wish to note that in view of the fact that the LEA/schools are required to give the names and addresses, and with parental consent further details, of children to the Connexions Service, the issue needs to be clarified as to whether the Authority is able to give similar information regarding children who are being home educated by their parents without the prior written permission of these parents. The Authority is concerned that children who are home educated may not in all circumstances receive their entitlement to have contact with a Personal Adviser.
17. The Authority considers that the sections on work experience (5.5 and 5.8) need to be clarified and that clear guidelines need to be provided with regard to the role of extended work experience and the two-week block-placement. Clarification is also required with regard to work placements within a "family firm".
18. With regard to the issue of Travellers and home education the Authority would wish to comment both on the guidance overall and on the sections referring specifically to Travellers (5.13, 5.14). With regard to any judgement as to whether education is "suitable" and "efficient" (3.12) it might be argued that it is perhaps impossible to make an objective judgement as to whether the home education being provided by a Traveller parent is suitable and efficient, given that this education should equip a child for life in the community of which he/she is a member. With regard to the sections of the guidance on Traveller children (5.13, 5.14), the Authority would wish to enquire why specific guidance is required for Traveller children. The Authority is concerned that in some circumstances home education could potentially be used as a means of legitimising the removal of children from a school roll. Traveller parents who lack literacy skills themselves might use the guidance to argue that staying at home, caring for younger siblings and cleaning or accompanying the father to carry out manual work equips their children for life in the community to which they belong. The Authority is furthermore very concerned by the suggestion in the guidance that the use of Education Supervision Orders may be particularly appropriate in the case of Traveller families who are failing to provide suitable and efficient home education. (The Authority notes that "Aiming High" fails to make any reference to Travellers and home education and asks why the issue is being specifically raised in the EHE guidance.) This Authority has been arguing the need for clearer guidance on home education and Traveller families for several years and has in particular sought greater clarification as to precisely what might be judged acceptable - that is, "suitable and efficient" (see above). This Authority is concerned that there may be a growing number of Traveller children - mainly secondary-aged, but increasingly primary-aged - who are being denied their proper educational entitlement as a result of their parents in effect taking advantage of what they perceive to be a lax and largely un-prescriptive home education framework. This Authority would wish to enquire whether Traveller children are disproportionately represented in the home education statistics. If this were found to be the case it might be argued that this was evidence of institutional racism and a failure of the educational system to meet the needs of a particular ethnic group. The Authority is concerned that to make the transition or route to home education, in effect, easier will lead to numbers of Traveller children being denied their full educational entitlement.
19. This Authority found the list of "Useful Contacts" (Annex B) very useful.

Overall this Authority welcomes the draft guidance but it wishes to note a number of reservations on specific points - as detailed above, particularly in relation to whether or not the LEA is required to inspect and approve the provision made by home educating parents, the absence of criteria to enable a judgement to be made as to what might constitute "suitable and efficient" education and also in relation to the issue of access to the child and

the corresponding child welfare/child protection issues. On a more general level, this Authority is concerned that there appears to be a lack of clarity with regard to the particular audience for whom the guidance is intended. Whilst it is stated that the guidance is intended for LEAs, its overall tone and content appear, in the view of this Authority, to be disproportionately accommodating to advocates of home education and to fail to recognise that LEAs have quite specific statutory responsibilities of their own to meet.

I trust that these comments are helpful.

Yours sincerely

Head of Education Welfare Service