

**FAMILY EDUCATION TRUST SUBMISSION TO THE  
DEPARTMENT FOR EDUCATION AND SKILLS**

**RESPONSE TO CONSULTATION DRAFT ON  
ELECTIVE HOME EDUCATION GUIDELINES FOR  
LOCAL EDUCATION AUTHORITIES**

Family Education Trust was founded in 1971 to carry out research into the causes and consequences of family breakdown, and to publicise the findings of such research. Over the course of the past three decades, the Trust has accordingly conducted research on a range of issues of family and youth concern, including marriage, divorce, daycare, child abuse, sex education, teenage pregnancy and children's rights.

By means of its publications, videos and conferences, and through its media profile, Family Education Trust seeks to stimulate informed public debate on matters affecting the family, based on reputable research findings.

As an educational charity, parents frequently contact us for advice on the options available to them with regard to the education of their children. Over recent years, we have encountered growing numbers of parents who are either committed to providing an efficient full-time education 'otherwise than at school' or who are seriously considering such an education for their children. In most cases, this provision is home-based, though many families pool resources and operate on a co-operative basis to a greater or lesser degree. Some families employ private tutors to cover particular sections of the curriculum, and some make use of tutorial groups or community-based classes and other activities.

We welcome the opportunity to participate in this consultation and express the hope that it will lead to greater clarity with regard to the law in relation both to the responsibilities of parents and the role of the local education authority (LEA).

**Education 'otherwise' than at school**

In view of the broad range of provision made by parents who choose to educate their children 'otherwise' than at school, we believe it would be helpful if the final guidance issued to local authorities were to take greater account of this fact. The draft guidelines refer almost exclusively to children educated 'at home', when in reality the education parents are providing for their children takes place in a wide variety of settings, and frequently draws on services and resources found in the wider community.

For example, some families may meet together in each others' homes or in a hired room to share classes or other learning activities together; other parents may employ the services of a private tutor or tutorial group for a few hours a week; and some parents may take an approach to education that frequently takes them out of the home on trips to museums, historic houses and monuments and other places of educational interest to broaden the horizons of their children and provide a basis for cross-curricular study.

We are concerned that the emphasis on education 'at home' may foster among LEA personnel the expectation that parents who choose to educate their children 'otherwise' will conform to a model akin to 'school at home'. We occasionally hear of local education authority inspectors wanting to see 'where the learning takes place', as if they expect to see a schoolroom equipped with desks, computers and books etc. While some home educating parents have set aside a room to serve as a 'schoolroom', for many more the learning takes place in a variety of settings, far beyond the confines of the home, still less a single room within it.

Paragraph 4.7 goes some way towards what we have in mind when it states that 'LEAs should

acknowledge that learning takes place in a wide variety of environments and not only in the home', but this appears only in the context of a discussion of LEA access to the family home and does not receive prominence elsewhere in the document. Likewise, paragraph 4.13 recognises that parents may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided', but this is mentioned only in the context of child protection.

We would like to see in the guidance a greater recognition of the fact that just as there are many reasons why parents choose to educate otherwise than at school and many different influences that have shaped their educational philosophy, there are also different means employed to the end of providing an efficient full-time education.

Local authority inspectors requiring evidence that parents are fulfilling their legal responsibilities should therefore recognise that parents are free to provide education in a variety of ways and in any number of settings. This should be reflected in any written policy produced by LEAs and in any training offered to LEA personnel, such as are referred to in paragraph 3.3 of the draft guidelines. One of the advantages of education outside the context of a school setting is that it allows parents to tailor their provision to the individual needs and abilities of their children. In view of the strong relational element that is invariably present in home-based learning, the impossibility of providing comprehensive training on 'home education methods' should be acknowledged.

The key principle to bear in mind is that parents are responsible for ensuring their children receive an efficient education: *how* they do that, *where* they do it and *whom* they employ to do it is entirely up to them.

### **The role of the local education authority**

While we recognise the statutory duty of the LEA to intervene where there is evidence that a child of compulsory school age in their area is not receiving suitable education, we are concerned that the role of the LEA is over-stated at several points in the draft guidelines. In terms of the law, the responsibility of the LEA is significant, but limited.

- **'Relationships' and 'partnerships'**

We would question the stated purpose and 'central aim' of the guidelines 'to encourage local education authorities (LEAs) and home educating parents to *work together* to develop trust, mutual respect and *a positive relationship...*' and 'to *build effective relationships* that function to safeguard the educational interests of children and young people' (1.3 and 4.1, emphasis added).

As the guidelines recognise, there is 'no current legal obligation on education authorities or home educators to develop such relationships' (4.2), but they are nevertheless recommended to provide parents with access to support and allow LEAs to better understand parents' education provision and preferences. Rather than thinking in terms of a relationship or partnership between the LEA and all home educators, we suggest that a better approach would be to think in terms of LEAs advertising what services they are able to offer to local home educators and leaving it up to individual families to decide whether or not they wish to avail themselves of what is on offer. In this way, support can be provided to those who welcome it, without the LEA imposing itself on parents who do not wish to enter into a 'partnership' with it. This approach is consistent with the recommendation in paragraph 4.6 that LEAs should '*// the parents wish*' provide parents with a named contact.

Paragraph 2.3 of the draft guidelines states that: '[W]here a child is educated at home the parental responsibility for children's education, coupled with the Local Education Authority's responsibility to make sure that there is adequate provision for education in their areas, brings

LEAs and parents into a relationship.' In a similar vein, the guidance refers to 'the LEA duty to ensure every child of compulsory school age is receiving a suitable education' (2.9).

However, while the LEA has responsibilities towards state schools in its area, it is inaccurate to suggest that the LEA has any obligation to establish a relationship with parents educating their children otherwise than at school. While some home educating parents positively welcome advice and support from the LEA, and some LEAs are willing to offer various services to home educators, the LEA has no statutory duty to become involved with a home educating family unless it has reason to believe that an efficient full-time education is not being provided to a child within its area.

- ***Notifying the LEA***

The draft guidelines state that parents are not legally required to inform the LEA about their intention to home educate, but this appears only in the context of deregistration from school (3.4). In view of the confusion that frequently surrounds this issue, we would suggest that the point be given greater prominence earlier in the guidance and that it is made clear that where parents decide to home educate their children from the outset having never registered them at a state school, they are likewise under no legal obligation to notify the LEA.

- ***Assessing home education provision***

The draft guidance suggests that 'the LEA's primary interest lies in *how well* the parents are providing education for their children at home' (1.4, emphasis added). However, it is not the role of the LEA to inspect parents in the same manner that they inspect schools. The role of the LEA is rather to satisfy itself that the parents are fulfilling their legal obligation to give their children a suitable education.

We are concerned that the recommendation that the senior officer with responsibility for children unable to attend school because of medical needs might be given additional responsibility for elective home education (3.2) appears to be confusing two quite different forms of provision.

We are conscious of the way in which parents who have chosen to educate their children otherwise than at school, often at great personal cost, are frequently viewed with suspicion. We therefore welcome the statement that in the absence of specified instances that give cause for concern about the child's welfare, 'the LEA should assume that efficient educational provision is taking place, which is suitable for the child, unless there is evidence to the contrary' (3.10).

If such a presumption were more widespread, it would help to resolve many of the conflicts that have arisen between LEAs and home educating parents. We recommend that this statement be given greater prominence by placing it earlier in the document and that it should be made clear that it applies to all children being educated otherwise, whether they have been withdrawn from school or never registered at a school in the first place.

In line with the presumption contained in paragraph 3.10, we would question the recommendation that the LEA 'should ordinarily make contact on an annual basis' (3.18). The LEA is under no statutory obligation to establish contact with any parents who have chosen to educate their children otherwise than at school unless it has reason to believe that the parents are not providing an efficient and suitable education. Where it chooses to make informal enquiries and is satisfied that the parents are fulfilling their duty under Section 7 of the Education Act 1996, there is again no legal obligation for it to make any further enquiries and it may proceed on the basis of the assumption set out in paragraph 3.10.

- ***LEA access to the home***

We welcome the document's recognition that the LEA has no right of access to the home or to

children being educated otherwise (2.9) and that 'parents are not legally required to give the LEA access to their home' (3.17). We also welcome the statement in paragraph 4.8 that '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 draft guidelines also state that 'Where the education is taking place in the home, it may be thought desirable for an education authority to have the opportunity to see the child in that learning environment to enable them to see the provision at first hand' (4.7). Although this is qualified with a further reminder that the LEA does not have a legal right of access to the home and the matter should not be forced, the impression is given that home visits should be the norm except where parents strongly object.

However, it is surely no more necessary for the LEA to have access to the family home than it is for LEA officers to accompany a child to his/her piano lesson, sports club, language class and/or tutorial group, in order to ascertain that a suitable and efficient education is being provided. Quite apart from the invasion of privacy that this would entail, we doubt that any LEA has the resources to shadow a child at all the classes and activities that form part of his or her educational provision.

Where an LEA chooses to make informal enquiries about a child's educational provision, the examples listed in paragraph 3.17 would appear to be perfectly adequate to provide evidence 'sufficient enough to convince a reasonable person of its appropriateness for the child's age, aptitude and ability'. We would suggest that there should never be any need for the LEA to insist on access to the home in order to satisfy itself with regard to the educational provision. We are therefore uncomfortable about the inclusion of paragraph 3.19 in the draft guidance with its insistence that where there are 'demonstrable grounds for concern', 'if the parents refuse to allow access to their home, the authority might reasonably conclude [that]... they have insufficient information to satisfy themselves as to the efficiency and suitability of the parents' education provision, and consequently serve a School Attendance Order...'

### **The responsibility of parents**

We welcome the clear affirmation in the draft guidelines that 'the responsibility for a child's education rests with their parents', as enshrined in the Education Act 1996 and upheld by Article 2 of Protocol 1 of the European Convention on Human Rights (2.1).

We also welcome the recognition that parents are not required to teach the National Curriculum, have a timetable, have premises equipped to any particular standard, have any specific qualifications, make detailed plans in advance, observe school hours, days or terms, give formal lessons, reproduce school-type peer socialisation or match school, age-specific standards etc (3.13). We are aware that all too often these have been sources of conflict between LEAs and home educating parents where LEA officials have sought to impose standards applicable to schools on the home.

We further appreciate the recognition that parents remain responsible for the education their children receive in cases where they employ others to assist them to a greater or lesser degree in the fulfilment of their legal obligation, and that parents are responsible for ensuring that those they engage are suitable persons to have access to children (4.13).

#### **• *Educational philosophy***

In Part 3, the guidance suggests that home educators are required 'to have some kind of philosophy, approach or framework for the education of their child(ren)' (3.12) and that LEAs may reasonably expect the provision to include ' [the] presence of a philosophy or ethos (not necessarily a recognised philosophy)' (3.15). However, these statements appear to conflict with paragraph 1.4 which states that the reasons parents give for home educating should not, in themselves, have a bearing on the LEA's treatment of home educating families. The absence of a

coherent educational philosophy, or a parent's inability to articulate any such philosophy to the satisfaction of the LEA should therefore not be deemed to imply that the parents are not providing their children with an efficient and suitable education.

- ***Connexions***

In view of the emphasis on parental responsibility referred to above, we were surprised and disappointed by the suggestion that the Connexions Service has 'responsibilities' covering children and young people who are being educated at home. The draft guidelines state that: 'The Connexions Service needs to maintain an overview of the learning and work status of all young people of a relevant age and ensure that individuals do not fall between the responsibilities and remit of different agencies and thus become marginalised and lost to the system' (5.5).

We fear that the paragraph on the Connexions Service is erroneously confusing home education with social exclusion. Children and young people are not socially excluded by virtue of not appearing on a school register. It is one thing to say that Connexions offers a service to home educated young people aged between 13-19 who wish to avail themselves of it, but quite another to claim that Connexions has a 'responsibility' for home educated young people. We are therefore uncomfortable about the prospect of LEAs providing details of home educated children and young people with Connexions without obtaining prior consent from both the young people themselves and, even more importantly, their parents.

### **Withdrawing a child from school**

We were surprised to see in the draft guidance the suggestion that 'parents might be encouraged to inform the LEA [that they have withdrawn their child from school] to enable the LEA to check that the child's name has actually been removed from the school register' (3.5). The responsibility of parents is towards their children; it does not extend to ensuring that the LEA and the school fulfil their responsibilities with respect to the deregistration procedure.

It is further recommended that parents notify the LEA as early as possible 'in order to avoid unsettling the child unnecessarily and to ensure that support and advice can be offered as required or as requested' (3.9). We are not sure how early notification of the LEA would serve to limit any sense of disruption experienced by the child having been removed from school, and would prefer that the emphasis be placed on parents notifying the LEA if they wish to receive advice and support. If they do not feel in need of such support, there is no need for them to notify the LEA at all.

We are also concerned at the suggestion that LEAs should agree with parents a reasonable timescale to 'submit their proposals' following deregistration (3.9). The word 'proposal' could be taken to imply that parents must submit their plans to the LEA for approval in order to continue with home education. However, this conflicts with paragraph 3.13 which insists that home educating parents are not required to make detailed plans in advance.

### **Further observations**

- ***Reasons for education otherwise***

One other significant reason why some parents choose to home educate (1.4) is where the child has a special need that can be more readily catered for at home

- ***School Attendance Orders***

The draft guidelines state that where a School Attendance Order (SAO) is issued it remains in force for as long as the child is of compulsory school age (3.20). This sounds unnecessarily harsh and prescriptive - particularly in cases where there may have been extenuating circumstances of temporary duration where the parents were unable to satisfy the LEA of their ability to provide an efficient and suitable education. We would suggest that a procedure

should be introduced whereby parents who wish to educate their children otherwise than at school are granted the opportunity to demonstrate that their circumstances have changed sufficiently for the SAO to be lifted.

- ***Child protection***

We are concerned about the suggestion that 'when a practitioner or professional becomes aware that a child is being educated at home, local information sharing arrangements should help them inform the LEA, so that they can fulfil their duty to ensure the quality of that education' (4.11). This paragraph seems to betray a mistrust of parents and militates against the presumption stated earlier in the document that 'the LEA should assume that efficient educational provision is taking place, which is suitable for the child, unless there is evidence to the contrary' (3.10). It also overstates the LEA's legal obligations with respect to home educated children. In the absence of any of the factors giving rise to child protection concerns listed in paragraph 3.10, there is no reason why 'local information sharing arrangements' should be used in this way in relation to home educated children.

- ***Truancy sweeps***

We would question whether professionals involved in truancy sweeps under normal circumstances 'need to verify any information given to them' (5.12). In the vast majority of cases common sense would dictate that a parent or child's claim that they are providing a home-based education can be taken at face value. In the absence of particular circumstances that arouse the suspicions of the truancy officers (e.g. the child is wearing a school uniform) there should be no need to employ any further checks.

Referral to the LEA may be inconclusive in any case, since many home educated children are quite legitimately unknown to their LEA. Given the incompleteness of LEA records and the fact that home educated children are not required to stay within the confines of their own local authority district during normal school hours and term times, truancy sweeps should be encouraged to operate on the basis of trust unless there are particular factors that arouse their suspicions.

Family Education Trust  
Jubilee House 19-21 High  
Street Whitton Twickenham  
TW2 7LB

29 April 2005