

Consultation on Elective Home Education Guidelines for Local Authorities

Introduction

On 8 May 2007 we launched a consultation on elective home education guidelines for local authorities. We actively sought the opinions of many key groups including local authorities, home educators and home educating organisations. This report has been based on the 919 responses which we received to the consultation document.

As some respondents may have offered a number of options for questions, total percentages listed under any one question may exceed 100%. Throughout the report, percentages are expressed as a measure of those answering each question, not as a measure of all respondents.

The organisational breakdown of respondents was as follows:

Home educator	631
Other*	102
Local authority	91
Young Person who is/was home educated	59
Organisation representing home educators	36

**Those which fell into the 'other' category included prospective home educators, organisations involved in or supporting home education, relatives of home educators, consultants and those who did not specify a category.*

Overview

Respondents generally welcomed the development of Home Education Guidelines. Many believed that they would help to clarify both local authorities' and home educators' rights and responsibilities and ensure consistent good practice across authorities.

The description of the law relating to elective home education was mostly believed to be clear and accurate. Some respondents felt, however, that the law in relation to child protection was ambiguous in that it entrusted local authorities with ensuring the safeguarding and wellbeing of children, yet did not allow them access to home educated children in order to fulfil that duty.

Views were mixed on the accuracy and helpfulness of the description of local authorities' responsibilities. Clarification was sought on phrases which could be subjectively interpreted such as local authorities' duty to ensure children made 'reasonable' progress. Many respondents disagreed with any form of monitoring of home education by the local authority.

Many thought that the section on contact with the local authority was neither accurate nor helpful. The assertion that home educators welcomed contact with their local authority was thought to be spurious and should be removed. Similarly, respondents requested the removal of the reference to few Gypsy/Roma and Traveller parents being capable of providing a suitable education, considering it to be discriminatory and based on questionable research. Some respondents thought that the guidelines should be more specific as to how local authorities should operate a 'risk-based' approach to making contact with home educators.

There was disagreement on whether the section on providing full-time education and the characteristics of provision was helpful. Many thought that by documenting specific expectations for home education, local authorities would view this as a checklist, using any diversion from the list as failure to provide a suitable education and justification for intervention.

There was a degree of uncertainty amongst respondents on the usefulness of the section on developing relationships. It was suggested that the guidelines should clearly state that contact with the local authority was not compulsory.

The suggested resources within the guidelines were mostly considered to be useful, although respondents said that the list must be comprehensive and the information contained in it must be kept up-to-date if it was to be of value. Respondents were generally uncertain as to whether any other contacts should be added to the guidelines.

In other comments, respondents raised a number of issues including: funding for home education, both for parents and local authorities; lack of importance attached to home educated children with special educational needs; the need to raise awareness of home education; and the failure of the guidelines to address the lack of power local authorities had to fulfil their safeguarding responsibilities.

Summary

Q1 Do you agree that it is helpful for the DCSF to issue guidelines to local authorities?

There were 894 responses to this question.

662 (74%) agreed sure	35 (4%) disagreed	197 (22%) were not sure
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The majority of respondents agreed that it was helpful for the Department to issue guidelines to local authorities. It was felt that this would prove useful in clarifying the role, rights and responsibilities of both local authorities and home educating parents.

342 (38%) respondents considered that there was a tendency for local authorities to misinterpret current legislation, leading to over-zealousness, abuse of power and failure to act within the law. Inconsistency of practice across local authorities was viewed as a common problem. Respondents suggested that there was a 'postcode lottery' whereby attitudes towards home education depended on the subjective view of local authority staff and led to diversity of practice amongst authorities. It was thought that the formulation of clear guidelines which adhered closely to legislation would remove any opportunity for misinterpretation and help make sure that standard procedures were followed consistently across local authorities.

135 (15%) respondents said that local authorities needed to understand that home education was a valid educational choice and understand its philosophy. It was felt that many local authority officers held the viewpoint that children should be in school and even when educated at home should be following the National Curriculum. This, it was believed, resulted in a heavy-handed and misguided approach when dealing with home educating parents.

Q2 Do you agree that the description of the law (paragraphs 2.1-2.3) relating to elective home education is accurate and clear?

There were 858 responses to this question.

581 (68%) agreed sure	79 (9%) disagreed	198 (23%) were not sure
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Most respondents agreed that the description of the law relating to elective home education was accurate and clear. Many, however, also stated that the law itself was unclear and ambiguous.

139 (16%) respondents suggested that it would be helpful if this section of the guidelines stated that it was a parent's legal right to home educate their children.

Respondents said that words such as 'efficient' and 'suitable' needed to be defined in order to prevent conflicting interpretation between local authorities

and home educating parents. Respondents suggested that other relevant pieces of legislation should be included within the guidelines.

Q3 Do you agree that the description of local authorities' responsibilities (paragraphs 2.5-2.11) is accurate and helpful?

There were 864 responses to this question.

232 (27%) agreed 387 (45%) disagreed 245 (28%) were not sure

Views were mixed on whether the description of local authorities' responsibilities was accurate and helpful, with the majority in disagreement.

347 (40%) respondents thought that the phrase '...children should make reasonable progress' was too vague and was likely to lead to a conflict of opinion between parents and the local authority. Respondents stressed that there was no legal requirement for a child to make 'reasonable progress' or for the local authority to ensure that they did. As such, it was suggested that the phrase should either be removed or replaced by the wording from the Education Act 1996 i.e. that education was suitable to the child's age, ability, aptitude and any special educational needs.

186 (22%) disagreed with local authorities conducting any form of monitoring. Respondents requested that the guidelines made it clear that there was no legal right for monitoring of home education given that legislation stated that a child's education was the responsibility of his/her parents. Monitoring of home education was viewed as intrusive and unnecessary. There was concern that local authorities did not understand the nature of home education and would judge the arrangements against school standards and, therefore, deem them unsatisfactory if they did not conform.

147 (17%) respondents were concerned at the provision within the guidelines for local authorities to intervene 'if they have good reason to believe that parents are not providing a suitable education'. This phrase was believed to require specific definitions of 'good reason' and 'suitable' to enable local authorities to be clear on what their responsibility in this area entailed.

83 (10%) respondents thought that the law/guidelines were ambiguous in the area of child protection, given that they placed the responsibility on local authorities for safeguarding and implementing the five outcomes of Every Child Matters, yet made no provision for them to see home educated children. It was suggested that the guidance should include a reference to ContactPoint.

76 (9%) respondents considered that it would be beneficial if local authority personnel were more aware of the characteristics of home education and were fully conversant with relevant legislation. Training for Elective Home Education Officers was suggested in order to help them understand how education at home, or otherwise, worked. Respondents felt that this would

enable local authorities to fulfil their responsibilities more effectively and avoid conflict with home educating families.

Some respondents suggested that it should be compulsory for all home educators to register their children with the local authority to ensure that they did not appear on the 'children missing education' register. It was noted that, where children had never been included on a school roll, registration would make sure that the child was known to the local authority.

Q4 Do you agree that the section on contact with the local authority (paragraphs 3.4-3.7) is accurate and helpful?

There were 841 responses to this question.

189 (23%) agreed sure	439 (52%) disagreed	213 (25%) were not sure
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Over half of the people who responded to this question disagreed that the section of the guidelines on contact with the local authority was accurate and helpful.

316 (38%) respondents questioned the validity of the phrase 'Many home educating parents welcome regular contact with the local authority...' It was felt that there was no evidence to support this statement given that respondents had generally found the opposite to be true. Respondents stressed that there was no legal requirement for home educators to meet with the local authority and as such it should not be included in the guidelines.

262 (31%) respondents were unhappy about the reference within the guidelines to Gypsy/Roma and Traveller (GRT) parents and asked that it be removed. Many felt it inappropriate and discriminatory for a Government document to single out one particular minority group as incapable of providing full-time, sufficient and suitable education on the grounds of ethnicity.

100 (12 %) respondents said that it was necessary for the guidelines to specify the 'reasonable concerns' which could prompt the local authority to contact parents to discuss their home education provision. It was felt that the wording was too vague and could be misused by some authorities to intervene in families who chose not to meet with local authority officers.

88 (10%) respondents were concerned about the section within the guidelines which stated that the local authority should take a 'risk-based approach' to making contact with home educating families. Again, it was felt that unless this was clarified, the wording was open to the subjective judgement of local authority officers.

Local authorities felt that the guidelines made no provision for home educators to comply with their requests for a home visit or any recourse should they refuse. Asking parents to submit a report, which could be falsified, or samples of work which might not have been completed by the child, were considered to

be insufficient ways to assure the local authority that suitable education was being provided. It was suggested that the guidelines should include practical measures which would allow local authorities to see the parents and children.

Q5 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?

There were 843 responses to this question.

270 (32%) agreed
sure 295 (35%) disagreed 278 (33%) were not

There was no clear consensus on whether the section on providing a full-time education and the characteristics of provision was accurate and helpful. By a small margin the majority of respondents disagreed.

171 (20%) respondents considered that the characteristics of provision were too prescriptive and that it should be the prerogative of home educating parents to conduct their child's education in whichever way they saw fit. It was thought that local authorities would use the characteristics as a checklist to assess home education provision, using any failure to comply with the list as cause for intervention.

133 (16%) respondents disagreed with monitoring by the local authority stating that there was no basis for this within current legislation. It was considered inappropriate for home educators to have to provide evidence, such as examples of their children's work, to convince the local authority that they were giving their children a suitable education. Local authorities again questioned how they could monitor when legislation prevented them from seeing the child to verify that they were receiving a suitable education.

81 (10%) respondents felt that there should be no attempt to define 'full time education' as in a school context because the nature of home education did not lend itself to formal lesson/term times. Respondents considered that it would be inappropriate to set out within guidelines a specified number of hours and that it should be left to the judgement of the parents.

Some respondents questioned the usefulness of the list which stated what home educating parents were not required to do, suggesting that it would be helpful to have a list of things which they were required to do.

Q6 Do you agree that the section on developing relationships (section 4) is useful?

There were 837 responses to this question.

287 (34%) agreed
sure 214 (26%) disagreed 336 (40%) were not

Views were mixed on the usefulness of the section of the guidelines on developing relationships, the majority being unsure.

303 (36%) respondents believed that the guidelines should make clear that contact with the local authority was not compulsory. Many home educators viewed such contact as unnecessary as it was not essential to the successful education of their children. Respondents acknowledged that the local authority could be a useful resource if needed, however it was suggested that home educators would be more likely to approach home educating organisations or other home educators for advice, support and guidance.

138 (16%) respondents considered that local authorities needed to have specialist officers to work with home educators in order to build effective and successful relationships. It was proposed that these officers must have been trained in home education pedagogies and have a full and clear understanding of the rights of home educators.

56 (7%) respondents suggested that the guidelines should include a complaints procedure for those home educators who had a grievance against their local authority. It was felt that where there were instances of local authorities failing to provide the correct information, misleading home educators or exceeding their jurisdiction, there should be some means of registering dissatisfaction with the services they provided.

Q7a) Are the suggested resources in section 5 and appendix 2 useful?

There were 796 responses to this question.

505 (64%) agreed sure	90 (11%) disagreed	201 (25%) were not sure
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Most respondents agreed that the suggested resources were useful, particularly as a signpost for new home educators and professionals. It was acknowledged that the list would only remain useful, however, if it was maintained regularly so the information remained current. There was some concern that the list could appear biased if it was not comprehensive, for example covering all religions and all qualifications. It was also noted that the list should only include those organisations for which the Department could be assured of their legitimacy.

Q7 b) Should any other contacts be included?

There were 648 responses to this question.

251 (39%) agreed sure	63 (10%) disagreed	334 (51%) were not sure
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Some respondents suggested that, in the interests of impartiality and clarity, the contacts should appear in alphabetical order. Suggestions were also received for other contacts which could be included such as: the Open

University; special educational needs organisations; and religious home educating groups.

Q8 Please use this space for any other comments you wish to make about the guidelines.

There were 411 responses to this question.

121 (29%) respondents raised the issue of funding. Home educators generally accepted that in opting out of the school system they accepted the responsibility to finance their child's education. However, it was felt that where the need to home educate had come about due to the failure of the school system to accommodate their child, the local authority should have some responsibility for providing financial support. The most consistent call for financial help from home educators was in gaining free access to examination centres for their children.

105 (26%) respondents considered that there was insufficient importance given to children with special educational needs (SEN) within the guidelines. They also questioned why respondents had not been asked to comment on the section dealing with SEN. Respondents noted that children with SEN represented a significant proportion of the home educated population, given that in their experience one-to-one teaching was more successful than being in class for children with a range of disabilities and learning difficulties. Respondents suggested that statements should cease when a child de-registers from school as the child's education becomes the responsibility of the parent.

99 (24%) respondents thought it important to raise awareness of the guidelines, suggesting that the document should be issued to all home educators. It was also thought that local authorities had a duty to promote home education, alongside attendance at school, to all parents. It was proposed that information on both should be issued to parents about to choose their child's first school, at key transition stages such as moving to secondary education, and where children were experiencing difficulties at school.

52 (13%) respondents were concerned with the lack of power local authorities had to fulfil their safeguarding and well-being responsibilities. It was noted that whilst there was no compulsion for home educators to register with their local authority, it was difficult for them to be aware of all home educated children within their area.

Next Steps

Ministers welcome the comments and views that were received during the consultation period. They have carefully considered respondents' views in producing the final version of the guidelines for local authorities. The guidelines are available to download at <http://www.dfes.gov.uk/localauthorities/index.cfm?action=content&contentID=11357&categoryID=75&subcategoryID=106>.