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Consultation Document

Draft non-statutory guidance for local authorities on elective home education

Date of issue: **8 May 2015**

Action required: Responses by **3 July 2015**

Draft non-statutory guidance for local authorities on elective home education

Overview	This consultation seeks views on draft non-statutory guidance for local authorities on elective home education.
How to respond	Responses to this consultation should be e-mailed/posted to the address below to arrive by 3 July 2015 at the latest. Responses should be made by completing the questions on the accompanying consultation response form.
Further information and related documents	<p>Large print, Braille and alternate language versions of this document are available on request.</p> <p>The consultation documents can be accessed from the Welsh Government's website at www.gov.wales/consultations</p> <p>Useful links:</p> <p>Previous consultation, including summary report: <i>Registering and monitoring home-based education</i> (2012) www.gov.wales/consultations/education/registeringandmonitoring/?lang=en</p> <p>Minister for Education and Skills' Written Statement: 'Analysis of responses to the Welsh Government consultation on proposals to introduce a compulsory registration and monitoring scheme for those who elect to educate their children at home' (2014) www.gov.wales/about/cabinet/cabinetstatements/2014/electivehomeeducation/?lang=en</p> <p>Existing guidance, to be superseded by the new guidance: <i>Inclusion and Pupil Support</i> (2006), 'Section 6: Elective Home Education' www.gov.wales/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance/?lang=en</p>
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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Contents

1. Background and context	2
1.1 Introduction	3
1.2 Elective home education in Wales	4
1.3 Home education approaches	5
2. The legal position	7
2.1 Removing a pupil from the school admission register	8
2.2 Making a School Attendance Order	9
2.3. The Welsh Government and children's rights	10
3. Local authority approach to EHE	12
3.1 Early intervention and conflict resolution	12
3.2 Engaging with home educators	14
3.3 Practical considerations	16
3.4 Working with EHE networks or groups	17
3.5 Supporting children and young people	19
4. Reviewing provision	22
4.1 Characteristics of provision	23
4.2 Children with statements of special educational needs (SEN)	26
4.3 Sharing good practice	27
5. Child welfare	28
5.1 Information sharing	31
5.2 Truancy sweeps	32
6. Conclusion	33

1. Background and context

In 2012 the Welsh Government carried out a consultation on legislative proposals to introduce a compulsory system of registration and monitoring for home educated children and young people. The consultation received a high number of responses from local authorities, home educating families and organisations with responsibility for education and children and young people. The majority of home educating families and agencies that support Elective Home Education (EHE) opposed the legislative proposals. However the majority of local authorities and organisations with responsibility for children and young people were in favour of the proposals.

After considering the consultation responses, the Minister for Education and Skills decided not to proceed with legislation. It was clear to the Minister that more up to date information was required regarding the EHE community in Wales, and that the existing guidance on EHE needed to be updated and refreshed.

The Welsh Government subsequently commissioned research into EHE in Wales, as a means of informing and underpinning new non statutory guidance for local authorities on EHE. This new guidance has been developed through an extensive process of engagement. This process of engagement has taken on board the views of local authorities, the elective home educating community in Wales, and key strategic stakeholders.

The guidance sets a new context for understanding and supporting EHE families in Wales. The overriding priority of this approach is to secure the best outcomes for children and young people who are electively home educated through developing constructive partnerships between EHE families and local authorities.

1.1 Introduction

The Welsh Government believes that all children and young people in Wales are able to realise their potential with the assistance and support of high quality schools and educational support services. The vast majority of families in Wales will choose to have their children educated through the mainstream system of education.

However, there are a minority of parents¹ that choose to home educate. This is known as Elective Home Education (EHE). Recent research conducted on behalf of the Welsh Government has indicated that the numbers of parents choosing to home educate has increased in recent years, a link to the data is below. However, as parents notify their local authority that they are home educating their children on a voluntary basis, not all electively home educated children will be captured within this data.

Statistical release: Pupils educated other than at school, 2013/14

<http://gov.wales/statistics-and-research/pupils-educated-other-than-school/?lang=en>

This guidance builds upon and replaces the guidance issued in 2006 contained within the National Assembly for Wales Circular No: 47/2006, Inclusion and Pupil Support. It seeks to help build consensus and trust between local authorities and EHE families in Wales, and develop positive engagement and appropriate support. The guidance focuses on the educational experiences of children and young people, by collaborative working between local authorities and the EHE community.

¹ In this guidance, parent has the same meaning as in section 576 of the Education Act 1996 and therefore includes a person who has parental responsibility for a child and a person who has care of a child.

This document is intended for local authorities, in particular in relation to those services that support EHE families or deal with issues relating to them. It will also be useful for home educators and groups supporting home education. It seeks to reinforce a child centred approach. It draws upon positive examples of practice from within Wales and seeks to encourage more consistent approaches to EHE across Wales.

Despite strong differences of opinion regarding the current legislative position that have emerged through recent consultation processes, EHE parents and local authorities have the best interests of the child in common. This document builds upon that common ground in encouraging partnership working to achieve that shared aim.

1.2 Elective home education in Wales

The home educating community in Wales is a diverse population which appears to be growing, although the rate to which this is happening is unclear. The picture differs across Wales with families choosing to home educate for a wide range of motivations and reasons, these include:

- Ideological or philosophical reasons
- Health (including emotional health and wellbeing)
- Cultural reasons
- Religious reasons
- Bullying
- Reasons associated with Additional Learning Needs (ALN)
- Language choice
- Lengthy school journey
- Awaiting place in school of choice

For many home educators the principal advantages include flexibility, the ability to more effectively tailor approaches, more personal interaction, greater independence and freedom from bullying and peer pressure. Home education can provide a 'freedom of curriculum', with a focus on the subject areas that are most engaging for the child. In addition to projects of personal interest to the child within traditional subjects, the range of subjects studied can also be broader, for example, psychology, philosophy, engineering, environmental science, and programme coding being some that were mentioned by families.

Parents may educate their children in a wide variety of ways and in a number of different environments. Many parents are of the view that they are able to tailor their provision to meet the needs and learning styles of their children on an individual basis more effectively than can be done in a large class with a wide variety of needs.

1.3 Home education approaches

Although there are certain approaches that may be highlighted by local authorities regarding the nature and extent of the home education, there is no requirement to follow any specified curriculum or to meet criteria around number of learning hours.

The home education approach that a family might choose can be anywhere on a continuum from a formal, structured schedule based mostly within the home environment which has similarities to a school setting; through to autonomous or child-led education to radical un-schooling (see Figure 1). The approach devised can be tailored to the child's needs, interests and learning styles. Moreover, it can vary over time and subject. For example, a child might move from a more autonomous approach when younger to one that is more structured for GCSEs. Over the course of a year, home education may be more structured throughout the winter and more responsive to the weather or local opportunities during the summer. Some subjects such as maths may be delivered with a structured approach whilst others such as history by autonomous project.

The belief of some EHE families is that the flexibility and tailoring of approach is more meaningful to the child and therefore the learning is more embedded.

Figure1:



Structured

A fixed timetable or schedule with content sometimes following the national curriculum.

Formal or focussed learning makes up between 3-5 hours per day with free play or child initiated projects in the afternoon.

Trips, groups, courses, activities and additional learning opportunities reinforce or embed the learning.

Autonomous or Child-led Learning

The learning is prompted and engaged by the learner and facilitated by the parent.

There are several methodological or ideological approaches here such as:

- Unit or Project driven
- 'Classical' - 3 stages of preparing the learner to then teach themselves
- 'Charlotte Mason' – through engagement with well-written books.

Radical Un-schooling

The learner is encouraged to initiate own learning through exploration and engagement with activities of their own making or sourcing.

Parents facilitate access to opportunity but try not to guide or lead.

2. The legal position

Article 2 of Protocol 1 of the European Convention on Human Rights states that:

'No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.'

Parents have a right to educate their children at home providing that they fulfil the requirements of Section 7 of the Education Act 1996. This places a duty on the parents of every child of compulsory school age to cause him or her to receive efficient full-time education suitable to their age, ability and aptitude, and to any special educational needs that they may have, either by regular attendance at school or otherwise.

Under section 436A of the Education Act 1996, local authorities have a duty to make arrangements to identify children not receiving education and the suitability of that education:

(1) A local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but

- (a) are not registered pupils at a school, and
- (b) are not receiving suitable education otherwise than at a school.

“suitable education”, in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.”

2.1 Removing a pupil from the school admission register

There is no legal requirement for parents to inform local authorities of the fact that they intend to educate at home. This makes it particularly difficult for local authorities to keep track of certain groups of children, for example:

- Those who have never attended a maintained school;
- Those who have never attended a maintained school in that local authority's area;
- Those who have finished primary education in one school but have not started secondary education in another; and
- Those where the school they have been attending has closed.

Parents whose children are registered pupils at a school should ensure that their names are removed from the school admissions register when they withdraw them from school to home educate to avoid being liable to prosecution for failing to ensure their child's regular attendance at the school where they are registered. However, where the child is attending a special school under arrangements made by the local authority, additional permission is required from the local authority before the child's name can be removed from the register.

After the school receives a letter from a child's parent informing them that the pupil is receiving education otherwise than at school, the name of the child must be removed from the admissions register (regulation 8(1)(d) Education (Pupil Registration)(Wales) Regulations 2010). The school (including those in the independent sector) must make a return (giving the child's name and address) to the local authority within the 10 school days following the date of removal (regulation 12(3)).

Once a learner is removed from a school's register, a new application would need to be submitted for the child to be admitted to school at a later date, if the learner wished to return to school.

On no account should pressure be put on parents to remove pupils from the school register to avoid exclusion or prosecution.

Where the local authority has received notification from the school of a child's withdrawal with the intention of being home educated, the local authority should acknowledge the receipt of this notification from parents. The local authority should consider whether there is existing evidence to indicate a cause for concern over the withdrawal. Advice should be sought from education welfare services where there are concerns.

2.2 Making a School Attendance Order

Under section 437 of the Education Act 1996, where it appears to a local authority that a child of compulsory school age is not receiving suitable education, either by regular attendance at school or otherwise, the local authority may serve a notice on the parent requiring the parent to satisfy them (within a period of at least 15 days specified in the notice) that the child is receiving such education. The definition of suitable education is the same as that contained in section 436A of the Education Act 1996 as detailed above. If the parent fails to satisfy the local authority and the authority considers it expedient that the child should attend school, the local authority must serve a School Attendance Order (SAO) on the parent. This duty applies equally in relation to all children, regardless of whether or not they have previously attended a local authority school in the area. The SAO must be in a prescribed form and requires the parent to cause the child to become a registered pupil at a school named in the order. Failure to comply with an SAO is an offence, unless the parent can demonstrate that the child is receiving suitable education otherwise than at school.

A parent's wish to educate a child at home should be respected and, where possible, effort should be made to resolve issues about provision by a process of ongoing dialogue before issuing a SAO. Local authorities should consider the need to issue an SAO on a case by case basis, and a decision will need to take into account the circumstances of individual cases.

For more information regarding School Attendance Orders please consult the All Wales Attendance Framework via the link below:

<http://gov.wales/topics/educationandskills/schoolshome/pupilsupport/framework/?lang=en>

2.3. The Welsh Government and children's rights

The Welsh Government has adopted the United Nations Convention on the Rights of the Child (UNCRC) as the basis for all its work for children and young people. The Welsh Government is committed to the centrality of the Convention and children's rights in all its work and the Programme for Government sets out a commitment to "continue to use the Seven Core Aims as the national framework for developing policy for children and young people." The Rights of Children and Young Persons (Wales) Measure 2011 imposes a duty on the Welsh Ministers to have regard to children's rights set out in the UNCRC.

The Children's Rights Scheme 2014 sets out the arrangements for Welsh Ministers to comply with the duty to have due regard to children's rights when exercising any functions.

The Let's Get It Right website (link below) has been designed to help practitioners, policy makers and all stakeholders develop their understanding of children's rights and how to adopt a children's rights perspective in their work:

www.uncrcletsgetitright.co.uk

As with all existing services to children and young people, and in accordance with Article 12 of the UNCRC, the voice of the child should be incorporated into decision making and review processes relating to EHE. Article 12 provides that children have the right to say what they think should happen when adults are making decisions that affect them, and to have their opinions taken into account. This should include any process of mediation and conflict resolution, and also in relation to decisions taken about education. Local authorities, through their services that support the participation of children and young people, should also consider ways in which the individual and collective voices of EHE children and young people can be heard.

3. Local authority approach to EHE

3.1 Early intervention and conflict resolution

For parents who choose to withdraw their child from school in order to home educate, the decision often does not come out of the blue. In some cases there may be a history of disagreement between the family and the school or local authority. Often the nature of the disagreement is with regards to what is best for the child concerned. Some instances may involve unresolved concerns about bullying, disagreements as to the arrangements to meet a child's needs, or even conflicts with a school staff member. In these instances it is advisable parents continue to engage with the child's school to discuss their concerns. However, all schools and local authorities have complaints procedures in place which can be followed if parents concerns are unable to be resolved.

The established process for parents to follow where they have concerns about the school is outlined in the Welsh Government circular 011/2012, *Complaints Procedures for school governing bodies in Wales*. Governing bodies of all maintained schools must have a complaints process which must be published and made available. Further details are available on the Welsh Government website at:

www.gov.wales/topics/educationandskills/publications/circulars/schoolcomplaints

In the interests of the wellbeing of the child, the resolution of such concerns should be the overriding aim. All local authorities will have arrangements for local parent partnership services that can help prevent difficulties from developing into disagreements, and ensure parents have access to information, advice and guidance so they can make appropriate and informed decisions.

Where there have been such disagreements, local authorities should ensure that all aspects of potential Education Otherwise than at School (EOTAS) provision are explored with the pupil's family. This should help to minimise the removal of children from education as an action of last resort by the family.

Schools and local authorities should bear in mind that parents often opt for EHE as a last resort when such conflicts cannot be resolved.

The school and local authority may want to consider initiating a process of mediation in order to resolve such conflicts in the interest of the child's wellbeing and educational progress (refer to figure 2 for practical examples). This may involve the use of specialist officers where required, and specialist advocacy services. The aim should be to achieve a positive resolution in the best interests of the child. It is recommended that follow up meetings also take place once a resolution has been reached to ensure continued agreement.

Figure 2: Practice examples of early intervention and conflict resolution

Cardiff 'Fair Access Panel': This is a multi-disciplinary panel with the agenda of identifying issues that might lead to EHE and working with families and schools to seek resolution. The panel comprises Operational Managers from Education Welfare, Youth Service, EOTAS; representatives from Educational Psychology, CAMHS and Special Educational Needs (SEN); and head-teachers on rotation are present. All professionals can refer a case to be heard by the panel as long as they can justify that a raft of measures have already been attempted to resolve the issue. The panel will develop a package of intervention and support to resolve issues in a range of areas; SEN, attendance, health and wellbeing and behaviour.

Ceredigion 'Spotting the signs': the EHE advisor's primary role is as an Education Welfare Officer. She is therefore well-placed to ensure issues that might lead to parents choosing the option of EHE are resolved with support and guidance. The local authority also allows access to the children and young people's universal advocacy service in Ceredigion which is provided by Tros Gynnal. This can mean that the child's and the family's voice are heard in issues that might lead to EHE. De-registration from school initiates a swift first contact to ensure that choice to home education is a positive one and not a decision in response to an unresolved issue or unmet need.

3.2 Engaging with home educators

Many families that have chosen to home educate report that they have done so following much agonising and the weighing up of many factors. For some families the choice to electively home educate means making sacrifices. This may include living on one salary as one parent devotes their time to educating one or more children. It will in many cases incur additional financial cost to families as they take on the responsibility for accessing resources and paying for examinations.

When contacted by families, Local authorities should seek to provide parents with appropriate support and advice they need to improve their child's educational outcomes.

The relationship between the local authority and the parents of home educated children can have an important and positive impact on the child's education. Local authorities should therefore develop an understanding of the reasons that a specific family has chosen to home educate. Building constructive working relationships and seeking to understand the parents approach is key. It is important therefore that local authority staff responsible for supporting home education adopt an understanding and supportive approach focused on joint working to enhance the child's education (see Figure 3 for practical examples of engagement with EHE families). Such approaches not only contribute to building and maintaining a strong working relationship for the child, but also may help rebuild trust in a system that some feel may have let them down. This may be important in the future if parents begin to consider returning their child to school.

Figure 3: Practice examples of engagement with EHE families

Anglesey

The local authority holds bi-annual meetings for EHE families at a local venue. These events feature information sharing and training on relevant topics such as internet safety by the police and GCSE qualifications by examination boards. The events provide an opportunity to access services such as Careers Wales and health.

Caerphilly

Open/coffee mornings held at Ty Graddfa. This is a community space used for tuition and young mum's provision. The coffee mornings operate as a drop-in centre, with advice, activities, arts and crafts, resources for GCSE courses, and an opportunity for EHE families to socialize. A special pre-Christmas event included a visit to the local zoo for the 'children who wouldn't get a school trip'. This facility is also a registered exam centre for EHE candidates.

The local authority sends out a newsletter with EHE news, useful numbers, upcoming events – it is hoped this will develop into sharing good practice or ideas with contributions from EHE families and children.

It is important to establish a consistent approach towards home educators across Wales. Many home educators will have moved from one local authority to another. This may be partly based on lifestyle choice, but it may also be partly informed by approaches to home education in a certain local authority as compared to another.

3.3 Practical considerations

Local authorities should provide parents who are home educating with a named contact whose role it is to provide advice and support to home educating families. It is recommended that this officer has a professional background in education and is able to understand and support a range of educational philosophies. The role of this officer should include maintaining positive relationships with home educating parents, raising awareness of home education within the local authority and signposting to existing networks of appropriate support and existing educational opportunities from which home educated children may benefit.

Local authorities may wish to consider working within their regional consortium to, for example, facilitate a regional coordinator for EHE or a single point of contact. This may act as a pragmatic means of securing more consistent, comprehensive advice and support at a time of considerable financial constraint. Working on a regional basis, consortia could formulate their own regional responses to EHE tailored to the communities within their area, working with partners on a regional level.

It may also be helpful in developing positive relationships for the contact person to be referred to as an 'advisor,' 'home-educating consultant' or 'home-educating coordinator' rather than as an 'inspector,' 'assessor' 'education social worker' or 'education welfare officer'. Local authorities should organise training on the law and home education methods for all of their officers who have contact with home educating families.

It is recommended local authorities have a written policy statement on home educated children and their families which have been prepared in consultation with home educating families. This may include details of advice and support networks, links to youth support services or out of school hours provision, as well as detailing local authority policies and procedures in relation to EHE. This should be made available to all families that choose to home educate. When communicating with families local authorities should take account of any cultural and/or linguistic considerations.

3.4 Working with EHE networks or groups

Local authorities should seek to develop positive working relationships with home educating networks in their area. There are already examples of supportive relationships in a number of local authorities (refer to Figure 4 for practical examples). This is particularly helpful to families that have recently made the decision to home educate and are in need of help and support. Such groups often cover a number of local authority areas. Some have achieved charitable status, others are more informal networks. These groups can be an invaluable help to parents in advising, guiding, and even inspiring them in their new undertaking. They can above all provide important learning experiences, courses, visits, etc. to enhance home education provision for the children and young people who participate. Groups can provide children and young people with opportunities to develop friendships with other home educated children and young people. Parents may have had little or no experience of home educating. It may take time for them to establish the most suitable routine, and to make the major adjustments that are often necessary in delivering effective home education. If they are completely new to home educating, they may be unaware of any kind of support and advice available to them. They may also be unaware of existing local, national and international support networks for home education. Where local authorities are aware of such groups or networks, they may wish to pass on contact details to families that are new to EHE or new to the area.

In addition, it is recommended that local authority officers, in the course of their engagement with these groups, raise awareness of opportunities to undertake training on safeguarding and child protection that are already available to a range of practitioners working with children and young people.

Figure 4: Practice example supporting EHE groups

Bridgend

The Service Level Agreement between the local authority and Bridgend Home Educators is currently unique in Wales. The local authority provides a community hall for the group to use on one day per week. This is a versatile facility with a large space for play as well as smaller rooms for focused learning. They deliver Maths, English and Science GCSE, Environmental Science, and a range of other subjects including a GCSE in Astronomy. The group also delivers the Jon Muir Award which is an environmental award that encourages people of all backgrounds to connect, enjoy and care for wild places through a structured yet adaptable programme.

The local authority provides the group with a grant of £5,000 per year which is used largely to pay for GCSE examinations. Last year 46 GCSEs were taken through this group. There are approximately 200 children and young people registered with the group. Some of these are known to the local authority and others wish not to be. This wish is respected by the group and by the local authority. Two of the home educators have been trained as examination invigilators; they have also received child protection training. The group has worked in partnership with the local youth service and has had Open College Network credits delivered and issue based workshops. They have linked in with Porthcawl YMCA for the Duke of Edinburgh's Award Scheme. Recently the group have worked in partnership with the allotment association to regenerate a piece of land and develop an allotment. This links in with the Environmental Science GCSE and would enable the children and young people to deliver a project which benefits the wider community.

Some of the group leaders of Bridgend Home Educators have delivered awareness raising sessions to groups of multi-agency professionals within the local authority regarding home education. This was done free of charge.

3.5 Supporting children and young people

There is no legal duty for local authorities to provide financial support to EHE families or networks. If a child is not registered with a school, then the local authority does not receive any funding for that child and is therefore not legally obliged to pass on any financial support to parents to assist with schooling provision for learners who are home educated.

Where possible, local authorities should promote access to available learning opportunities that are open to all children and young people within their area. It is important to keep in mind that the decision to home educate rests with the parents. Local authorities and schools should respect parental choice. This choice should not automatically exclude children and young people from the wide range of support services such as careers advice and youth services that are available to them within each local authority area. In many cases such provision is open access and offers young people a wide range of informal and often accredited learning opportunities, and access to support. This can enhance their learning and wellbeing.

Some local authorities already provide links to youth support services, for example, through information packs to parents of home educated children and young people. Others promote access to specialist educational support services such as education psychology, and school nurses. It is recommended that the officers with responsibility for engaging with and supporting the EHE community within each local authority have up to date knowledge of the breath of such services within their local authority. This will enable them to advise families of appropriate provision which may enhance the educational provision of children who are home educated. These should include local networks for children and young people's participation e.g. youth forums, and sources of advice and support available for children and young people.

Local authorities must secure reasonable provision for a service providing counselling in respect of health, emotional and social needs for certain categories of school pupils and other children². Depending on their circumstances, home

² Section 92 School Standards and Organisation (Wales) Act 2013

educated children could have a right of access to this service. The local authority should provide information to home educators who are interested in accessing the service.

All local authorities in Wales have youth support services that offer informal and non-formal learning opportunities to young people aged 11 – 25. This is as a result of a direction given by the Welsh Ministers to local authorities in 2002 to “provide, secure the provision of or participate in the provision of youth support services”³. Youth support services are defined as the services which, in the opinion of the Welsh Ministers, will encourage, enable or assist young persons (directly or indirectly)

- a) To participate effectively in education and training,
- b) To take advantage of opportunities for employment, or
- c) To participate effectively and responsibly in the life of their communities”

(see Figures 5&6 for practice examples).

The Youth engagement and progression framework –provides examples of how to implement targeted approaches to the provision of youth support services.⁴ The framework plays an important part in implementing more effective and systematic approaches to identifying young people at risk of becoming NEET (not engaged in employment, education or training) who need support, and making sure they get the help they need to get them back on track. Local authorities have the responsibility for the framework’s implementation. The framework introduced two new actions. The first is the offer of a lead worker within a relevant organisation who can provide continuity of support and contact for those young people most at risk of disengagement. The second is the development of a proactive Youth Guarantee, which is the offer, acceptance and commencement of a suitable place in education or training for a young person making the first time transition from compulsory education at age 16.

³ Youth Support Services Directions (Wales) 2002

⁴ <http://gov.wales/topics/educationandskills/skillsandtraining/youthengagement/?lang=en>

Depending on their circumstances, home educated learners could benefit from this.

Figure 5: Practice example – links with Further Education / under 16 education

Ceredigion

The local authority facilitates links for EHE families with Coleg Ceredigion. Home educated children can apply to take a range of courses in both GCSE and vocational subjects. The local authority provides the EHE applicant with a letter of confirmation of being home educated.

Popular courses are the Pre-GCSE full time course offering subjects such as Creative Media and Performance in addition to a core element (including ICT, Literacy, Numeracy and Welsh); the BTEC Introductory Diploma in Vocational Studies; and GCSE evening classes. All courses have continuity and progression to either GCSEs.

Figure 6: Practice Example - promoting services available to home educated learners

Carmarthenshire

With consent from the parents and child, a referral can be made by the EHE Advisor to Iechyd Da if it is felt that a young person might benefit from a short intervention programme to support low self-esteem, health issues, substance misuse or issues resulting from bullying. The project is well-respected and positively received. It is considered to be a life-line for some children who have been deregistered from school (particularly due to bullying).

4. Reviewing provision

As has been highlighted in Chapter 2, local authorities have a legal duty to establish the identities of children who are not registered at school and not receiving a suitable education. Home educating parents should therefore be encouraged to take up the offer of advice and support from the local authority. It is recommended that an initial meeting take place with families to discuss their provision and any advice and support needs they may have. Meetings should take place at mutually acceptable locations.

Thereafter, it is recommended that the local authority should seek to make contact with home educating families on at least an annual basis. These meetings should be seen as an opportunity to provide information and support to home educating families, to listen and respond to any concerns that they may have, as well as considering evidence that a suitable education is being delivered. Evidence may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc. Contact should normally be made in writing and should seek a meeting or request an updated report. The local authority should prepare a report after such contact and be copied to the family stating whether the local authority has any concerns about the education provision. The report should detail any recommendations made by the local authority, and any actions to be taken by the local authority on behalf of the parents. Any telephone communication should be followed up with a written confirmation of what has been discussed and agreed.

The views of home educated children and young people regarding the education they are receiving, their preferences, aspirations and ambitions should be discussed in these meetings.

An approach which seeks to understand the provision that is being delivered to the child can form the basis of more relevant advice and support to families, and therefore assist in building good relationships. It is through this type of approach, and the building of trust that parents may be more willing to allow access to their provision and to share their philosophy and approach. Local authorities do not have the right to insist on observing education in the home, and where a parent elects not to allow access to their home, alternative arrangements should be made. The local authority should be discussing any concerns it has with the family about the education provision; with a view to helping them improve their provision in the best interest of the child.

4.1 Characteristics of provision

In their consideration of parents' provision, local authorities may wish to take into account the characteristics listed below. Through facilitating access to existing EHE networks and communities, local authorities can assist families in developing these approaches:

- Consistent involvement of parents or carers in the delivery of the provision within a mostly family-based setting
- Recognition of the child's needs, aspirations, and learning styles
- Opportunities for the child to be stimulated by their learning experiences
- Access to resources/materials required to provide home education for the child, such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and adults.
- The involvement of Careers Wales at an appropriate stage
- The development of numeracy and literacy skills suitable to the child's age, aptitude and ability and taking into account any special educational needs that they may have.

Local authorities should take into consideration that home educated children may have more one to one contact time than in a school setting, that education may take place outside 'normal school hours' and that the type of educational activity undertaken can be varied and flexible. Home educating parents are **not** required to:

- Teach the National Curriculum
- Have a timetable
- Have premises equipped to a particular standard
- Mark work done by their child
- Set hours during which education will take place
- Have any specific qualifications
- Cover the same syllabus as any school
- Make detailed plans in advance
- Observe school hours, days or terms
- Give formal lessons
- Reproduce school type peer group socialisation
- Match school age specific standards

However, local authorities should offer advice and appropriate support to parents on these matters if requested by parents.

There is no legal requirement for children to take a particular set of qualifications. The internal assessment component of many qualifications such as GCSEs, for example teacher assessments, can make them difficult for external candidates to achieve. These are not, however, the only qualifications which external candidates can take, and local authorities may usefully offer parents and their children information about alternative qualifications and the arrangements that they would need to make for the children to take them. Local authorities should also inform parents and, where appropriate, their children of possible problems that they might encounter if their qualifications are not sufficiently recognised by employers, or further or higher education establishments.

Where families do wish to take formal qualifications such as GCSE local authorities should facilitate advice on qualification options, and encourage the use of resources such as Learning Wales (Figure 8). It is recommended that local authority staff assist families in locating a suitable local setting in which EHE children and young people can sit examinations.

Figure 7: Learning Wales

Learning Wales is a web-based resource, designed to meet the needs of educators and practitioners and improve standards in learning providers across Wales:

www.learning.wales.gov.uk

With a clear improvement focus, each page has a range of tailored support and advice, centralising the information available and simplifying your search for the most recent information.

The site is also complemented by the 'Hwb' learning platform, which hosts a national collection of digital resources, user-generated content and collaborative areas:

<http://hwb.wales.gov.uk>

The Hwb learning platform can be accessed via the front page of Learning Wales.

4.2 Children with Statements of Special Educational Needs (SEN)

Parents may ask the local authority to conduct a statutory assessment of the child's educational needs under section 328 or 329 of the Education Act 1996.

Where a child has a statement of special educational needs and is educated at home by the parents the statement does not automatically cease. While the statement is maintained it must be reviewed annually, following the procedures set out in Chapter 9 of the SEN Code of Practice for Wales. A link to the SEN Code of Practice for Wales is provided below. In many circumstances the child's special educational needs identified in the statement will have been related to the school setting and the child's needs may be readily met at home by the parents without local authority supervision. It may be appropriate, once it is established that a child's special needs are being met without any additional support from the local authority to give consideration to ceasing the statement. The local authority may cease to maintain a statement for a child only if they believe that it is no longer necessary to maintain it. For further information, please refer to the Special Educational Needs code of practice for Wales by following the link below:

<http://learning.wales.gov.uk/docs/learningwales/publications/131016-sen-code-of-practice-for-wales-en.pdf>

For home educated children with statements of SEN, the parents must make suitable provision for the child's special needs. This provision may be different from that outlined in the statement which would apply in a school setting. Parents need only provide an efficient education suitable to the child's age, ability and aptitude, and to any special educational needs the child may have, as set out in section 7 of the Education Act 1996.

Section 324(4A) of the Education Act 1996 does not require the name of a school to be provided in Part 4 of the statement if the child's parent has made suitable arrangements for the specific educational provision specified in the statement to be made. There should be discussion between the local authority and the parents and, rather than the name of the school, Part 4 of the statement should mention the type of school the local authority consider appropriate but go on to say that: "parents have made their own arrangements under section 7 of the Education Act 1996". The statement can also specify any provision that the local authority have agreed to make under section 319 of that Act to help parents provide suitable education for their child at home.

If the parents' arrangements are suitable, the local authority is relieved of its duty to arrange the provision specified in the statement. If, however, the parents' arrangements for the education of their child at home fall short of meeting the child's needs, then the parents are not making suitable arrangements and the local authority is not absolved of its responsibility to arrange the provision in the statement. In some cases a combination of provision by parents and the local authority may best meet the child's needs.

4.3 Sharing good practice

As in other fields, local authority officers with responsibility for EHE should be part of relevant networks. Networks can be an important means of support for local authority officers, they can contribute to the development of consistent approaches regionally and nationally, and they can enable the sharing of good practice.

There are existing examples of local and national networks that have developed recently. Some local authority officers meet within their regional arrangements. Bridgend is an example of a network that is chaired by local authority officers from Bridgend Local Authority. This network is attended by a number of local authority representatives and it also has representatives from some EHE groups.

5. Child welfare

Although some local authority officers have voiced positive views regarding the relationship they have with the majority of EHE parents, concerns have been consistently raised regarding the 'unreachable families.' It is of great concern to many local authority officers with responsibility for overseeing EHE that there are some children and young people living within their local authority area that they are either unaware of, or have been unable to see. Families often move into an area and have not been to a local school, or refuse to engage with the local authority. Tracing children and ensuring that they are safe is a real challenge for local authorities. Children who are attending school will come into contact with a range of education and other professionals all of whom have safeguarding and child protection as a key responsibility. It is the lack of visibility of some EHE children that often concerns many local officers that support the EHE community.

Through positive engagement and support for EHE networks some local authorities have been able to work with the EHE community in addressing these concerns. In the Bridgend case study (see Figure 4) EHE parents have undertaken child protection training. One of the principal consequences of the positive relationship with the local authority has been constructive partnership working. More EHE families have therefore wanted to engage with a wide and innovative range of learning opportunities. The children and young people often turn up in large numbers, have positive learning experiences and are seen by a range of education professionals.

A parent's decision to home educate is not in itself grounds for concern about the welfare of the child. However, as with school educated children, safeguarding concerns may arise in relation to home educated children. The legal responsibilities placed on Safeguarding Children Boards established by the Local Authorities and their partner agencies –including local health boards, Chief Officers of police and the probation service - apply to all children in the local authority's area.

Although there is no legal requirement on parents to notify the local authority of their decision to home educate, there is a duty on local authorities to identify children within their area who are not registered with a school and who are not receiving suitable education otherwise than at school (refer to Section 2 for the legal position). It may be the case that local authorities are unaware that children and young people are being electively home educated because, for example, the parents may have chosen not to inform the local authority or may have moved to the area without notifying any local authority services. For further information on local authority duties regarding children not in education please refer to the Welsh Government's *Statutory guidance to help prevent children and young people from missing education* .

<http://gov.wales/topics/educationandskills/publications/guidance/missingeducation/?lang=en>

Concerns may arise where a parent states their intention to home educate. Specific instances where advice from the local social services department would be appropriate on the suitability of home education include:

- Where a child or family member has been identified as being in need;
- Where a child or family member has been referred to social services or the police for child protection reasons, and the matter is being investigated;
- Where a child or a sibling is on the child protection register;
- Where a child or family member has been referred on care and protection grounds, and the referral is being considered;
- Where the child is the subject of a supervision requirement.

Parents may choose to employ other people to provide some aspects of their child's education, though they will still provide the majority of the child's education themselves and will continue to be responsible for the education provided by others. They will also be responsible for ensuring that those they engage are suitable persons to have access to children. Guidance on key issues to consider in appointing individuals who work with children is set out in the Welsh Government guidance document no: 158/2015 'Keeping learners safe'

<http://gov.wales/docs/dcells/publications/150114-keeping-learners-safe.pdf>

This cannot be considered exhaustive guidance and it is for parents to satisfy themselves on issues of suitability. There may be occasions where parents who choose to educate their children at home organise group events with like-minded parents. It is important that they are aware of the mechanisms for drawing child or adult welfare concerns to the attention of statutory authorities.

The local authority officer with designated lead responsibility for discharging safeguarding duties in education should ensure when promoting their role that their details are not limited to schools within the maintained sector.

A number of local authorities have made informal enquiries within the EHE community with regard to families that are not formally known to the local authority. The basis of these enquiries was to establish whether or not there were any concerns regarding the welfare of the children. Although in these instances there were no concerns, effective channels of communication with influential members of the EHE community had ensured a constructive dialogue to ensure a collaborative approach to potential welfare concerns. This is an important benefit of positive working relationships.

The All Wales Child Protection Procedures highlight the required approach to working with families in instances of child welfare concern:

www.awcpp.org.uk

5.1 Information sharing

The protection of children from abuse or neglect, as well as the broader requirement for safeguarding and promoting children's welfare, depends upon effective sharing of information, collaboration and understanding between agencies and professionals. It is vital that local authority services and their partners have effective information sharing processes in place.

Effective information sharing by professionals is central to safeguarding and promoting the welfare of children. This sharing of information makes an important contribution to the shift in addressing children's needs at an early stage rather than when serious problems have developed.

It should also include having in place agreed systems, standards and protocols for sharing information about a child and their family within an agency and between agencies. These protocols should be in accordance with any legal requirements and any guidance published by the Welsh Government.

For further information relating to information sharing between agencies in Wales please refer to the Wales Accord on Sharing of Personal Information (WASPI):

www.waspi.org/

5.2 Truancy sweeps

Those taking part in truancy sweeps, including police officers, should be aware that there may be valid reasons why school-age children may be out of school. In particular, they may encounter children who are educated at home and that these children are not required to be at school.

No further action should be taken where children indicate that they are home educated unless there is a reason to doubt that this is the case. Home educating parents need to be made aware that professionals involved in truancy sweeps may need to verify any information given to them in these circumstances. To make sure this is a fast and efficient process, it would be advisable that the local authority maintains a list of all school-age children known to them who are home educated. This list can then be checked by the local authority staff as part of a truancy sweep. For further information on good practice in relation to truancy sweeps please refer to the All Wales Attendance Framework which is available on the Learning Wales website:

6. Conclusion

The attached document invites your views on specific questions. You are invited to provide answers to these questions or to comment in more general terms, in writing or in print, electronically or in hard copy to the address at the beginning of the consultation response form.