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Consultation – summary of responses

Draft non-statutory guidance on elective home education

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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

Audience	Local authorities; home-educated children and young people; home-educating parents/carers and relatives; organisations representing home-educating families; organisations with an interest in elective home education; organisations with responsibility for children and young people.
Overview	This document provides a summary of the responses received by the Welsh Government during its consultation in 2015 on new non-statutory guidance for local authorities on elective home education.
Action required	None – for information only
Further information	Enquiries about this document should be directed to: Pupil Wellbeing Branch Support for Learners Division Education Directorate Welsh Government Cathays Park Cardiff CF10 3NQ e-mail: WELLBEINGshare@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at gov.wales/consultations
Related documents	<i>Elective home education non-statutory guidance (2016)</i>

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Executive summary

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 over 500 responses from local authorities, home educating families and organisations responsible for education and children and young people.

The majority of home educating families and agencies that support elective home education (EHE) opposed the proposals. However, the majority of local authorities and organisations responsible for children and young people were in favour of them. After considering the consultation responses, the Minister for Education and Skills decided not to proceed with legislation, but that instead, existing guidance on EHE should be updated.

In May 2015 the Welsh Government consulted on new non-statutory guidance, the findings from which are presented in this report.

Consultation

The draft non-statutory guidance for local authorities on EHE was launched for public consultation on the 8 May 2015 and closed on 3 July 2015. 153 responses were received. Respondents were asked to complete a questionnaire with five questions, one of which invited respondents to include any additional thoughts on the guidance.

Main findings

- Home educators saw the new guidance as an attempt to introduce monitoring
- Any role for local authorities in home education was generally opposed by the EHE community
- Local authorities saw the guidance as too weak
- Local authorities had concerns regarding the financial implications of any additional duties relating to EHE
- Home educators required clarity as to the legal position regarding the role of local authorities in relation EHE

Response methodology

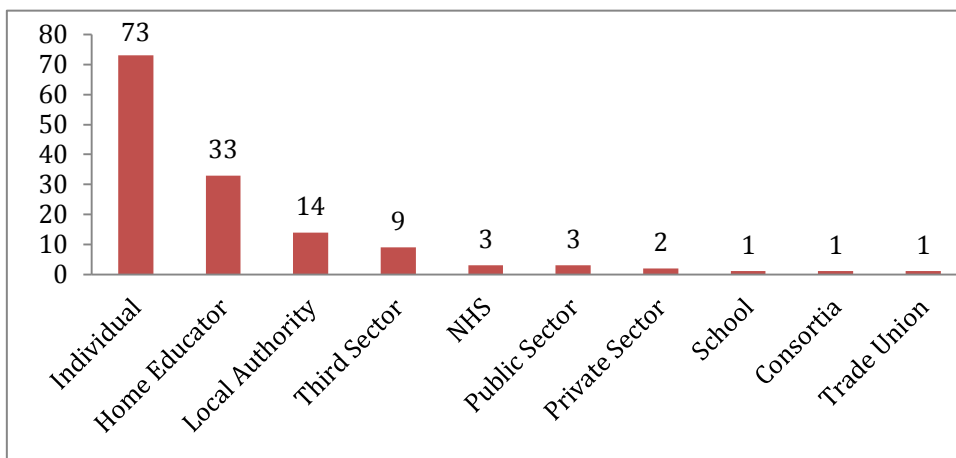
The questionnaire posed five questions designed to allow the Welsh Government to analyse respondents' views, both qualitatively and quantitatively.

The quantitative analysis is based on data from the completed questionnaires. The qualitative findings reflect the views of all written responses. Not every respondent provided an answer to every question. Some submitted lengthy and detailed responses separately to the questionnaire. Some chose not to use the questionnaire at all, but provided information in their own written response. All of the responses were considered.

The narrative which follows each question does not aim to capture every point made, but highlights the key issues and themes relating to the question. Quotes have been taken from responses to emphasise certain points.

Figure 1 provides the numbers of the various types of respondent e.g. home educator or local authority. It also indicates the numbers of responses for each type of respondent.

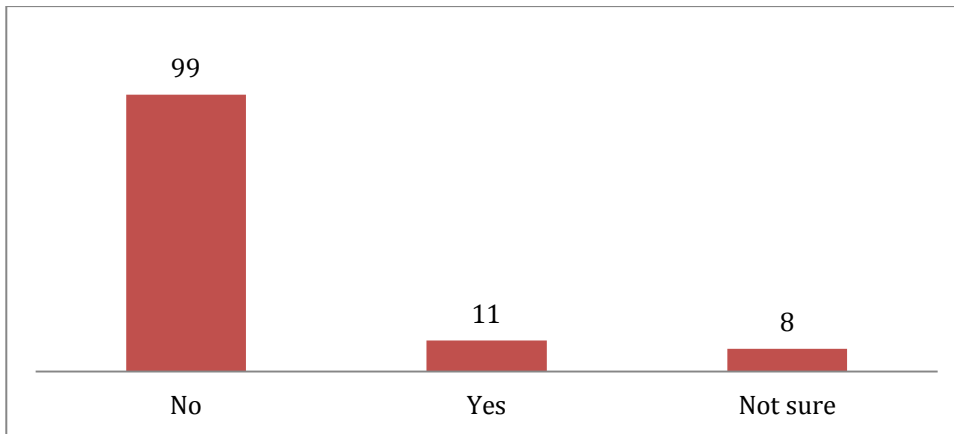
Figure1: Numbers per type of respondent



N = 140

Questions and responses

Figure 2: Question 1: Do you feel that the guidance provides sufficient assistance for local authorities to support home educating families?



N = 118

The responses to the first of the questions give an immediate indication of the strength of opposition to the proposed new guidance.

Many home educating respondents indicated that there was a lack of clarity in the guidance regarding the legal position of local authorities in relation to EHE. For many, the inclusion of good practice examples and suggestions of partnership working with families was unnecessary. It was felt that these may be misinterpreted by local authorities and encourage a tendency to step outside perceived legal parameters:

“This guidance is not written in a clear and easy to understand way. Local authorities already overstep the mark on a regular basis, so it needs to be as clear and concise as possible, so that it cannot be misinterpreted, either accidentally or on purpose. The local authorities do not really have a role to play in Home Education, so any attempt for them to 'take' a role will cause more families to not engage. There is usually no 'support' any way. You have nothing to offer families, only additional pointless and unnecessary paperwork.”

“I have no wish to parade children in front of LA EHE staff and force them to jump through hoops (for monitoring and assessment) just so they are not forced to go to educational institutions that are failing. Children are individuals with different fears, aspirations, and outlooks. They cannot be dumped in a classroom with 30 others of the same age and force to learn what they have no interest in.”

Many respondents questioned the need for new guidance on home education at all, citing the 2006 guidelines as being adequate. Some respondents also indicated that support from local authorities was not only unnecessary, given the growing networks of support for EHE, but undesired:

“It will alienate a lot of families. Most HE families get the support and information they need from experienced Home Educators, and don't need to work with the LA to enhance their provision. The LA should assume that their provision is satisfactory unless they have concerns to the contrary. This draft guidance gives the impression that the LA should attempt to have an active relationship with every HE family.”

“No it doesn’t. The guidelines are confusing, the recommendations are encouraging local authorities to work outside of the law and home educators in the main DO NOT WANT SUPPORT. I have no idea why you find this concept so difficult to grasp. No matter how you dress it up, support is something that we should be allowed to ask for and not have it foisted upon us regardless of whether it’s wanted or not.”

What is clear from many of the responses is the level of suspicion with which the guidance is viewed. For many home educators, the guidance represents an attempt on the part of the Welsh Government to introduce monitoring ‘through the back door’. That the document recommends some form of contact and support on an annual basis from local authorities is seen as confirmation of this. Many respondents indicated that local authorities have no legal grounds to engage in such activity. The guidance is seen as instructing local authorities to act in an ‘ultra vires’ way in relation to the parents and families:

“Effectively amending legislation by the back door, by introducing non statutory guidance, damages trust. It shows a lack of honesty, and causes barriers to be built between our community and authorities.”

“The WG seems to have performed a U-turn from their original position of compulsory registration of all EHE children.”

“It should not be forgotten that the stated aim of the 2012 consultation concerned legislative proposals regarding the introduction of a compulsory system of registration and monitoring for home educated children and young people. After ‘an extensive process of engagement’ with the home educating community, does this once again underlie the differently worded version of the current consultation? No matter how much the background and context section speaks of a new context for understanding and supporting EHE families in Wales, I still have an uncomfortable suspicion that compulsory registration and monitoring is waiting in the wings.”

The fears of home educators come through strongly - that any enhancement of the role of local authorities in relation to EHE represents a shift towards a system of monitoring. Even the suggestion that local authorities seek to understand the reasons why parents opt for home education is treated with suspicion:

“At several points, the draft guidance encourages an intrusive approach. For example, it encourages local authorities to ‘develop an understanding of the reasons that a specific family has chosen to home educate’. Decisions about the education of children, in common with countless other decisions that parents make about the upbringing of their children are highly personal and private matters. If parents wish to discuss their reasons for choosing to home educate, that is a choice that they should be able to freely make, but it is not the business of the Local Authority to seek to elicit such information in a routine manner.”

The ongoing debate about home education in Wales has been characterised by a marked difference in outlook between home educators and professionals. These differences continue to be apparent in the responses to this consultation. For many of the professionals who responded, the non-statutory status of the guidance gives it insufficient weight and does not go far enough:

“Non-statutory guidance is insufficient. There is a need for clarity via legislation and possibly a Code of Practice. While there continues to be no legal requirement for a parent to inform the LA or any public body that they are educating a child at home, the LA cannot discharge

its statutory duty 'to identify children in their area who are not receiving a suitable education'. The lack of a clear legal definition of 'a suitable education' further compounds the difficulty for the LA. Furthermore, LAs cannot discharge the duty to safeguard young people in their area if they have no means of identifying how many children are resident in the area. Similarly, it is not possible to discharge the duty in relation to the rights of the child and the right of the child to be heard for those children whose very existence cannot be identified by the LA. The most vulnerable, remain the most vulnerable."

"The current legislative provision inhibits local authorities' ability to, so far as possible; establish the identities of children and young people who are in receipt of home-education. I would, therefore, like the guidance to strengthen requirements upon parents to inform local authorities of their intention to assume responsibility of their child's education. This would support local authorities to extend the appropriate levels of provision and develop a collaborative offer of support to parents and families choosing to home-educate."

"A clearer line in respect to a Local Authority's role in monitoring and reviewing practice would have strengthened the guidance."

"Without compulsory registration there will continue to be children of school age unknown to the LA."

"NSPCC Cymru/Wales feels that the guidance will help local authorities develop a constructive dialogue with elective home educating (EHE) families, but we feel it does not strike the right balance with children's rights and welfare or place sufficient emphasis on how local authorities should ensure that elective home education delivers the best outcomes for every child or young person educated at home."

"The principle of a child's welfare being the paramount consideration is enshrined in the Children Act 1989 and all Welsh Ministers while exercising their duties must have due regard to the UNCRC. NSPCC Cymru/Wales recognises that parents have the right to educate their children at home providing that they fulfil the requirements of Section 7 of the Education Act 1996 and that the large majority of parents choose to home educate because they believe it is in the best interests of their child. However, there are a small minority of parents who choose to home educate when it is not in the best interests of their child."

Furthermore, professionals and even some home educators highlighted the possible financial implications for local authorities of any enhanced role in relation to EHE:

"It is helpful that the draft guidance highlights that local authorities do not have to fund EHE however some of the cited examples contradicts this in the sense that best practice involves considerable spending by local authorities. It is challenging for local authorities with reducing budgets to work with EHE networks in this way and support EHE learners."

Or that there is an imbalance within the guidance in favour of home education:

"The only thing that struck me is that the general remarks on page 5 amount to an advertisement for home education, setting out its advantages. These are not wrong, but are not balanced by the advantages of schooling such as access to skilled pedagogy, subject expertise and superior facilities and equipment, which parents are unlikely to possess, and of course the value of being part of a school community. The opening comments on page 3 do refer to high quality local schools, but this is rather skimmed over. The point could be given greater prominence, and referred to on page 5 in order to provide balance. It would

also be an opportunity to underline the pride which we trust the Welsh Government takes in the excellence of so many of its schools!”

An important theme raised in a large number of responses to the first question is the definition of a suitable education:

“And only for the latter cases where a concern is raised, how can LA officers decide whether the educational provision for EHE is ‘suitable’ if currently it has not been defined what ‘suitable’ entails?”

“‘Suitable’ education remains undefined”

“A ‘suitable education’ remains undefined. This is an area of concern for the LA and families. It is too open to interpretation and it remains an area that needs to be tightly defined, in the interests of all EHE children.”

“The guidance reiterates what is already known/understood by Local authorities. There is still ambiguity in respect to monitoring of provision and assessing if EHE parents/ providers are delivering a suitable education. A clear definition of what is ‘suitable education’ (i.e. suitable to age, ability and aptitude and any special educational needs a learner might have) would be useful.”

Another theme emerging from the responses of home educators was that the guidance is not seen as non-statutory. The guidance is seen to represent a series of requirements rather than recommendations. For many, these are a set of instructions that must be followed by the local authority, rather than a set of parameters which attempt to articulate a general approach to EHE, whilst allowing local authorities to tailor responses to fit the local picture. For many of the professionals who responded, the fact that the guidance is non-statutory is not enough. Many feel strongly that without compulsory registration and significant change in the law, the guidance is largely worthless.

A large proportion of responses from home educators focused on the absence in the guidance of the assumption that all is well unless there is evidence to the contrary. This is a key difference between the proposed new guidance and the guidance of 2006. For many, this appeared to be a key factor in forming an overall impression of the guidance as enhancing a monitoring role of the local authority. Many indicated that they do not wish to receive support from the local authority, and that the existing networks of support for EHE are sufficient:

“This document oversteps the boundaries and opens families up to having Local Authorities trying to be prescriptive about a family's education provision.”

“The new draft is less clear than the existing 2006-2008 guidance. It does not address the areas where that guidance needed improvement and clarification of some specific points of legislation, but brings in additional issues – not all of which are relevant to home education. This will only confuse the situation further, and is likely to lead to deterioration of relationships between LAs and home educating families.”

“The draft guidance has not made a sufficiently clear demarcation between what is required by legislation and what is not. In order to develop constructive partnerships with home educators, LAs need to be honest and above-board about what is legally required and what is voluntary. The draft guidance is just going to cause confusion and conflict because a lot

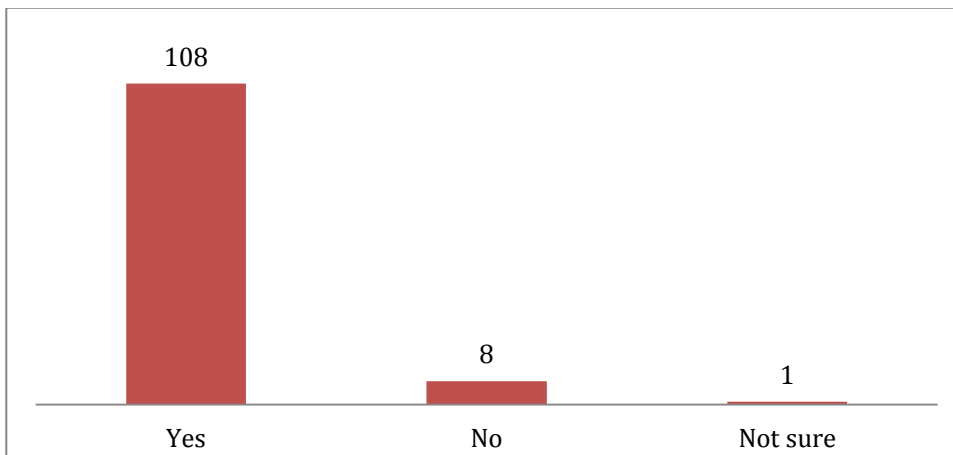
of the recommendations for the LA have no legal basis, and parents have no legal duty to comply.”

Not all respondents, however, saw the guidance as a step backwards:

“Compared to the consultation in 2012, these guidelines show a much greater understanding of the dynamics of EHE, acknowledge a range of concerns I brought forward in the previous consultation and clearly promote a good collaboration between LEA and the EHE community. I appreciate the time and research that went into that.”

“One of the most important and most welcome statements in the draft guidance is found in section 3.5: ‘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.’ These sentiments should be a governing principle that is reflected throughout the guidance.”

Figure 3: Question 2: Is there anything missing from the guidance which you think should be included, if so please specify?



N=117

As figure 3 illustrates, the responses overwhelmingly indicated a desire to see changes made to the document. These on the whole refer to the legal position of home education in Wales and the parameters within which local authorities are allowed to operate.

The responses on behalf of home educators showed concern over the omission of statements contained in the previous guidance relating to the assumption that home education is suitable unless there is evidence to the contrary:

“This document fails to state the that the law tells LAs that they must assume the education provided by a home educating family is suitable unless there is evidence that it is not. This should be unambiguously stated at the start of this document.”

“You need to state that there is no legal basis for routine monitoring of home educated children and that parents do not need to comply with local authority demands. You also need to point out that LA's have to assume that an education is taking place, unless they have a legitimate concern that there isn't and the LA must list their concerns so that a parent can answer. Parents need to know this, to prevent LA's from deliberately misinforming parents.”

“The guidance doesn’t say that the monitoring of home education is not legally enforceable and that the legal presumption should be that parents are fulfilling their educational duties, unless welfare concerns arise.”

Fears regarding monitoring came through strongly from a large number of respondents:

“The guidance omits to state that there is no legal basis for the routine monitoring of HE nor does it state that the presumption should be that parents are fulfilling their legal duties, unless or until concerns should arise. As a HE family, we are well supported by our families, friends, local community and in particular, our HE community. We do not require assistance regarding education from the LA and, having deregistered my children from the LA, any guidance from the LA is irrelevant to us.”

“This document fails to state that the law tells LAs that they must assume the education provided by a home educating family is suitable unless there is evidence that it is not. This should be unambiguously stated at the start of this document.”

“It also gives the false impression that LAs have to monitor the education provided by home educating families whereas monitoring has no actual legal basis in law, this should be made very clear.”

“The current guidelines explicitly state that a family should be assumed to be fulfilling their legal duties unless there is evidence to the contrary. While this is the usual position (assumption of innocence rather than guilt) this doesn’t appear to be the position most local authorities assume. An explicit stating of this would be useful.”

Many responses referred to the absence in the guidance of flexi-schooling. These responses, both from home educators and professionals, highlight the view that this is an important option on both sides of the debate:

“I couldn’t see anything about flexi-schooling in the draft guidelines. Flexi-schooling being the option to send the child to school for part of the week and home educate for the rest of the week. It is not something I’ve ever considered or know much about, but flexi-schooling is a popular option for some families, thus it should be included in EHE guidance.”

“Flexi-schooling is missing. It was included in the current guidance and should be included in this. It would be at the school’s discretion and has proved valuable for some parents and their children. This would provide additional options for parents and provide a way forward for the parents who would like to provide some teaching themselves but do not wish or do not feel sufficiently confident to provide it all. It would be helpful if the code for recording the time when a flexi-schooled child is being taught under EHE was ‘Not Required to Attend’ rather than authorised absence – the current requirement to use authorised absence definitely discourages schools from agreeing to flexi-school arrangements.”

“There is no mention of flexi-schooling, which is an approach that many families find provides the best fit for their child. As above, clearer steps outlining best practice and the range of responses to be expected from home educators (from ‘yep, home edding, we’re good, be in touch if we need to’ to ‘help, can you give me a curriculum please’) would probably be helpful. Flowcharts can be good :)”

“There is no consideration given or promotion of flexi-schooling (Inclusion and Pupil Support document- 2008), which could be a compromise in certain cases and avoid total removal of

a learner from accessing mainstream education. It does not mention flexi-schooling, which really needs clear guidance if confusion is to be avoided.'

"An opportunity has been missed by WG to influence flexi-school arrangements by agreeing a code which does not penalise schools for agreeing to flexi school in terms of overall school attendance."

Home educators highlighted sections of the document which they felt went beyond the legal parameters. These included listening to the views of children and young people, gaining an understanding of why a family chooses to home educate, the recommendation for an initial meeting, ongoing annual contact, and the request to see evidence of the leaning being undertaken:

"There is no legal basis to require evidence of education at all except in cases where there are concerns that the level of education is not acceptable."

"There is no legal basis for local authorities to speak to children and young people. It is never appropriate to attempt to override the parental duty in this manner."

For professionals and those working in local authorities, the strengthening of the legislative position and the addition of flexi-schooling were important features of the responses. Some professional also indicated the need to highlight and tackle the practice of schools encouraging families to opt for home education or deliberate 'off-rolling':

"NSPCC Cymru/Wales feels that the draft guidance needs to be strengthened in order to emphasise children's rights and in particular Article 3 (best interests), and to assist local authorities to fulfil their safeguarding responsibilities towards children and young people who are educated at home."

"Guidance should be explicit about LA challenging schools that appear to be encouraging EHE for pupils at risk of exclusion, unable to meet ALN (Additional Learning Needs) terms & physical & mental health needs. This seems to be increasing."

"Illegal off-rolling and forced deregistration are real problems which are damaging both to the families concerned and to home educators who are not in this category. This problem does not apply to families who are not known to the authorities. It is a school-related problem and it should be addressed quickly by a routine and respectful enquiry to parents as soon as the deregistration is notified to the local authority"

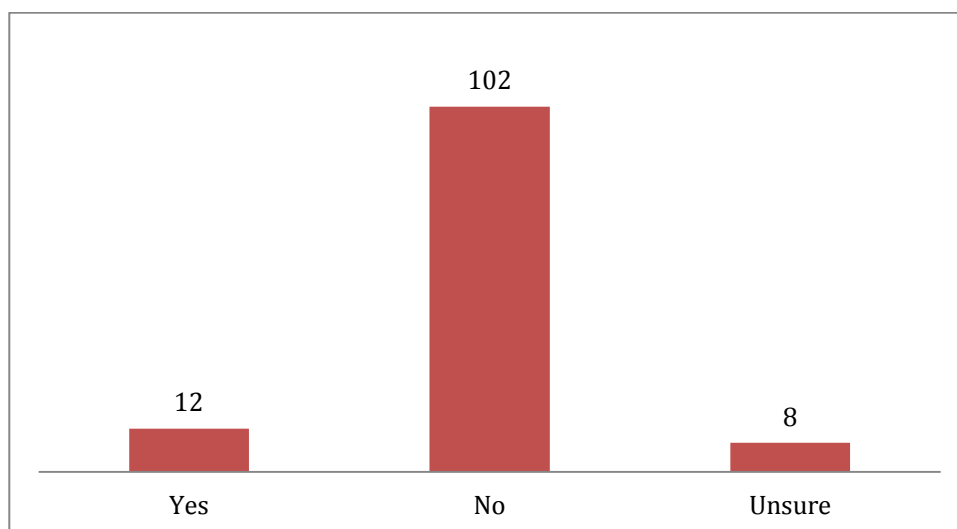
A number of respondents also called for information on qualifications such as IGCSE to be included:

"Guidance should be included on public examination options for EHE parents including IGCSEs and GCSE and GCE entry as private candidates. In addition, guidance should be included on access to College courses."

The answers to the question, 'Does the guidance clearly outline the legal position of elective home education in Wales?' reiterate the responses to the previous two questions, and the themes included in written responses reflect largely the same concerns. The section is therefore dominated around questions of ensuring the correct legal position is outlined and challenging some of the sections of the document which were seen to encourage local authorities to act beyond their legal parameters. These relate to annual visits, safeguarding,

the reference to Welsh Government statutory guidance to help prevent children and young people from missing education (2010), understanding the reasons why parents have chosen to home-educate, and requests for evidence of learning.

Figure 4: Question 3: Does the guidance clearly outline the legal position of elective home education in Wales?



N=122

The procedure outlined for the notification to schools of the removal of a pupil from the school roll was highlighted as an area of the guidance that needs to be revisited and amended.

Home educating parents again called for statements indicating that there is no legal basis for the monitoring of home education.

Many home educators took issue with the statement ‘Tracing children and ensuring that they are safe is a real challenge for local authorities.’ A number of home educators expressed the view that there is no legal basis for this, and that a local authority’s duty is reactive.

The inclusion of reference to child welfare drew criticism from home educators. Their view was that the two areas of safeguarding and elective home education are too easily combined and lead to a potentially dangerous misconception of home education. Views were expressed that these two issues should be separated out and that child welfare need not feature in a guidance document relating to EHE:

“Whilst I applaud any approach which builds the trust between LA’s and EHE’s, I believe that a lack of transparency in this document will not achieve that. The issues of safeguarding, ensuring a child is receiving a suitable education (which still in my view needs defining from the Governments point of view) and supporting EHE families’ remains muddled. EHE families are suspicious and in many instances with good reason. LA’s still overstep their rights and responsibilities and seem unclear themselves what they are trying, or are obliged / entitled to do. There needs to be clearer aims and definitions and more openness.”

“Safeguarding is a reactive duty to concern, not a proactive duty to check there is no concern”

“There is no proactive duty to make sure children are safe and no legal basis upon which to do so. Parents are responsible for keeping their children safe. When LAs do have charge of children they have demonstrated a woeful inability to do so. One only has to think of the Wrexham, Gwynedd and Rotherham scandals.”

“Local authorities have no legal basis upon which to ensure that children are safe, their duty is a reactive one. It is the responsibility of the parent to ensure that their child is safe.”

“It is disturbing that council employees see the fact that they cannot see the child as a reason for suspicion of parents, how many strangers do you invite in to inspect your own children? Home educated children are seen out in the community, by other home educators, by GPs, librarians, shopkeepers, museum staff, and on and on and on.”

Conversely, professionals expressed the view that the guidance is too weak on such matters and express a preference for more robust measures:

“Perhaps Welsh Government should re-visit Compulsory Registration? I don’t think parents should have to seek permission from LA’s to commence EHE but if registration was compulsory LA’s would be able to capture those children who have never attended school and any who cross county borders.”

“Children who attend school are seen daily by professional people. If parents refuse to accept home visits then children who are EHE are an increasing child protection risk.”

“There have been Serious Case Reviews and Child Practice Reviews involving children who have been home educated. Children have died in appalling home conditions. Had these children been seen, perhaps referrals to child protection might have been made and child deaths prevented.”

“In the current situation education authorities may offer support and monitoring of educational provision but this can be refused by parents. By putting this monitoring on a statutory footing, not only will we be ensuring the child’s right to an education but we might also identify the rare but devastating situation of child abuse.”

“If families choose not to cooperate with the LA how are Officers to ensure the welfare and safeguarding of EHE children?”

Finally, some home educators challenged the section relating to truancy sweeps and requested that it is revisited:

“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.”

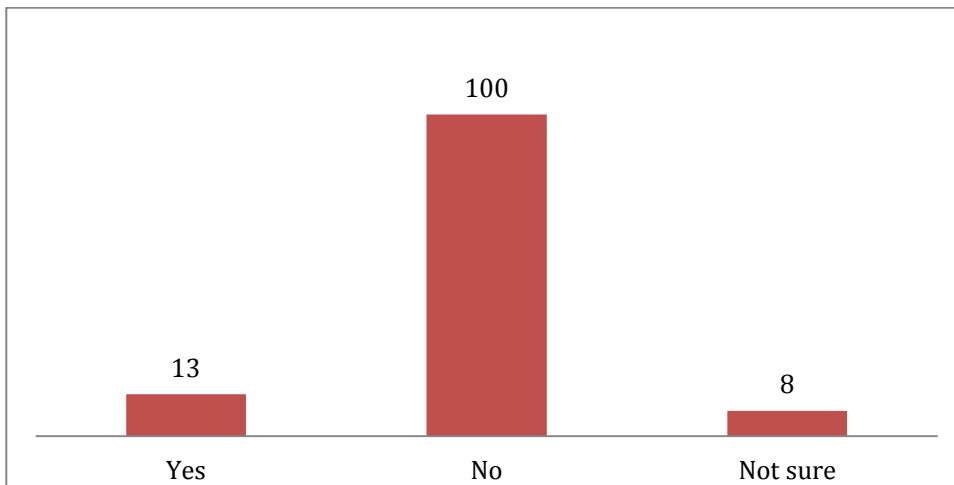
“Professionals have no right to do so unless they suspect an offence has been committed.”

“There is no legal basis for ‘professionals involved in truancy sweeps’ to require home educating parents to verify any information given to them in these circumstances. A police officer may not require information unless he or she suspects that an offence has been committed.”

“With regard to section 5.2 of the draft guidance, the guidance should state that those taking part in truancy sweeps, including police officers, should be aware of the fact that not all home educated children and young people are known to the local authority and that there is no requirement that they should be known. The key point to emphasise is that: ‘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.’”

Responses showed the strength of feeling amongst home educators to any role for local authorities in relation to EHE:

Figure 5: Question 4: Does the guidance clearly outline the responsibilities of local authorities in relation to elective home education?



N=121

For these respondents, the guidance outlines a role for the local authority that simply does not exist in law:

“The responsibility of the LEA is simple – if they have no concerns regarding home education then they do not need to take any action. This document seems to make things far more complicated than necessary.”

“I fail to understand the need for the LA to exercise any jurisdiction over my children's education since we have deregistered them from a system which we deemed unsatisfactory. We are confident that we can offer our family a significantly better all-round life experience and gain certificates along the way should we desire. I do hope the WAG's final decision will be to maintain the status quo as regards HE and to disregard this guidance as it is not relevant to us.”

“I have referred several times above to the need for a change of attitude on the part of local authority staff who have dealings with home educating parents. In my opinion they also need to be clearly briefed regarding the distinction between what the law actually says and any policies a government would like to implement.”

“There is currently no legal duty for an LA to monitor home educated children and yet in your document this duty is mentioned several times. The current guidelines are perfectly adequate and already fit for purpose. The problem arises when the LA does not follow them and presumes to know better in regards to the above monitoring or type of education provided.”

“There are too many duties given that there is no requirement for families to see a Local Authority officer or register with a Local authority. This guidance does not help LAs with hard to reach families, those families that refuse to meet with the LA officer or those families that will meet with the LA officer, but will not allow their children to meet the LA officer.”

Some respondents took issue with the proposed role of the local authority in listening to home-educated children or those whose parents who have made a decision to withdraw them from school:

“Wrongly presenting the position of a child under the UNCRC; misrepresenting the parental duty in respect of mediating their child’s rights. The draft puts the LA in a role as overseer and arbiter of educational choice, which role is unsupported in law.”

“Article 12 (of the UNCRC) 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 is incorrect. Article 12 provides a right to express views and for due weight to be given to those views in accordance with the age and maturity of the child, not a right to have opinions taken into account.’

There was support from local authority officers and other professionals regarding the role of the voice of the child in decisions about home-education, however:

“The voice of the child should be incorporated into decision making and review processes relating to EHE – how can LA undertake this task if they do not meet with the child, or when they are not aware that child is being educated at home by parents? Where is the voice of the child?”

Once again, the clear divisions between local authorities and professional bodies representing the interests of children and young people in Wales on the one hand, and home-educators on the other, regarding local authority duties, stood out in the responses to this question:

“In the current situation education authorities may offer support and monitoring of educational provision but this can be refused by parents. By putting this monitoring on a statutory footing, not only will we be ensuring the child’s right to an education but we might also identify the rare but devastating situation of child abuse.”

“The proposed guidance clearly sets out the legal position of elective home education in Wales. I am, however, concerned that its non-statutory status does little to support local authorities to ensure that all home-educated children and young people within its boundaries are identified and are receiving an education that will allow them to develop and reach their full potential. I would like to see any new iteration of this guidance document to be given statutory status. Achieving this, would build on existing progress and improve the effectiveness of collaborative practice between local authorities and the elective home education community in Wales to ensure the best outcomes for children and young people in receipt of home education are collectively secured.”

Many respondents took the opportunity to reinforce views expressed in previous questions when asked if they had any related issues that had not already been addressed. Others provided more detailed information as to how they felt the guidance could be improved. Some respondents used this opportunity to highlight more generally the main issues with EHE and local authorities as they see them.

Conclusions

The development of new non-statutory guidance on EHE was based on an attempt to occupy common ground between home educators and the organisations that support them on the one hand, and local authorities and organisations that support the interests of children and young people on the other.

The guidance was written in such a way as to promote a better understanding of EHE and set a new context for developing positive relationships between local authorities and the EHE community. Some responses to the consultation recognised this. , However, the vast majority highlighted the difficulty that exists in bridging the gap between home educators and local authorities and other professionals.

It is clear that there remain significant challenges in finding a balance between the freedoms desired by home educators and the concerns and duties of local authorities.