

Number: WG35754



Llywodraeth Cymru
Welsh Government

**Welsh Government
Consultation – analysis of responses**

Final summary report

**Home Education – Statutory Guidance for Local Authorities and a
Handbook for Home Educators**

December 2019

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

Contents

Introduction	3
About the consultation	3
About the consultation responses	3
Approach to the analysis	4
About this report	5
Question 1: draft statutory guidance	6
Question 2: legal responsibilities (chapter 1)	10
Question 3: identifying children not known to the local authority (chapter 2)	13
Question 4: efficient and suitable education (chapter 3)	21
Question 5: school attendance orders and education supervision orders (chapter 4)	37
Question 6: educational support (chapter 5)	43
Question 7: safeguarding (chapter 6).....	46
Question 8: handbook for home educators	49
Question 9: handbook for home educators	54
Question 10: Welsh language	57
Question 11: Welsh language	59
Question 12: related issues	60
Additional comments raised by respondents	62

Introduction

Arad Research was commissioned by the Welsh Government to analyse the responses received during the consultation on *Home Education – Statutory Guidance for Local Authorities and a Handbook for Home Educators*. This report summarises the findings of the analysis, identifying the key messages and themes presented in consultation responses.

About the consultation

This consultation sought views on the content and suitability of statutory guidance issued under section 436A of the Education Act 1996 to support local authorities in arrangements to assess the suitability of education provided to home educated children. This consultation also sought the views on the content and suitability of the package of support to home educators, including the handbook for home educators. The full consultation documents are available online on the Welsh Government's website.¹

In brief, the consultation sought views on:

- **Draft statutory guidance.** Welsh Government have developed draft statutory guidance to support local authorities to identify children and young people not on a maintained school register, not in EOTAS, not on an independent school roll and not receiving a 'suitable education'. The consultation sought views on the content and suitability of this guidance. In addition to providing clarification on the characteristics of a 'suitable education', the statutory guidance reinforces the levers available to local authorities to use when a suitable education is not being provided and details the support local authorities could make available to home educators.
- **Draft Handbook for Home Educators.** The consultation also sought the views of stakeholders on the content and suitability of the Handbook for Home Educators. This includes: the development of a home education page on Wales' digital learning platform Hwb, help with exam registrations, information on accessing universal services and an offer of support from Careers Wales.
- **Home education database.** On 30 January 2018, the Minister for Education outlined intentions to develop regulations which will require local authorities to establish a database of children in order to identify those who are not on a school roll, EOTAS register or independent school roll and not receiving a suitable education. The consultation also sought preliminary views on these proposals ahead of a formal consultation on the draft regulations.

About the consultation responses

Welsh Government received a total of 437 responses to the consultation:

- 384 of these were received through the online consultation;
- 52 were received via e-mail; and
- 1 was received in paper form.

¹ [Welsh Government 2019, *Home Education – Statutory Guidance for Local Authorities and a Handbook for Home Educators*](#)

Responses received via e-mail or in paper form varied in structure, either following the structure of the consultation questions closely and/or providing commentary on the draft guidance and handbook.

Responses also varied significantly in terms of length and amount of supporting evidence or supporting commentary provided.

Responses were categorised by Arad (with agreement from Welsh Government) into seven respondent categories. **Due to the significant variation in the number of responses in each category, particular care must be taken when interpreting any analysis of differences between the views of different categories of respondent.**

Category	Number of responses	%
Individuals (including home educators) ²	386	88.3%
Local authorities	16	3.7%
Third sector	12	2.7%
Education stakeholders	9	2.1%
Home education organisations	7	1.6%
Health sector	4	0.9%
Safeguarding boards	3	0.7%
Total	437	

Approach to the analysis

Initial review of sample of responses and develop a coding framework

At this initial stage, a sample of responses to each question was reviewed. During this process, responses were coded, which consisted of labelling segments or phrases within the text with short labels that describe the meaning of the text and key points noted in responses. Researchers reviewed a minimum of 30% of the total number of responses to each question. These were randomly selected by individual question so that, for example, the sample of 30% of responses for Question 1 were drawn from a different set of responses to the 30% selected for Question 2. This process avoided bias during the initial coding process and ensure the exercise includes a large proportion of the total respondents.

Based on the initial review of a sample of responses, the research team worked collaboratively to develop an overarching framework for thematic analysis. This framework identified the key themes likely to be allocated within individual questions, as well as ensuring consistency in how similar themes are recorded across different questions. This framework was not fixed; it was flexible enough to be modified and developed further as the team undertook the full analysis of all consultation responses.

Analysis of all consultation responses

The purpose of this stage was to complete the analysis of all consultation responses, both closed questions (quantitative) and open questions (qualitative).

² A small number of responses specifically chose to identify themselves as home educators. However, as respondents were not specifically asked to identify themselves as home educators, it is likely that some individual respondents are also, in fact, home educators. For this reason, those self-identifying as home educators could not be separated into a distinct separate category.

The **quantitative data (i.e. data based on closed questions)** from the responses which followed the structure of the consultation questions was analysed. These quantitative responses comprised of 'yes', 'no' or 'not sure' answers to some of the consultation questions. On rare occasions where a respondent had selected more than one response, this is reported in a footnote but excluded from the data presented.

The **remaining qualitative data (i.e. written comments)** were analysed using the coding framework developed during the initial review stage. An evidence log (in the form of a spreadsheet) was used to attach key themes (one or multiple) to each individual response. This evidence log ensured that all team members analyse and note themes consistently, and overall progress can be monitored by the project manager. Any new themes which hadn't been identified during the initial review were added to the analytical framework. This approach allowed for the prevalence of themes to be identified. At this stage any inter-related codes and linkages between them were identified and any differences between the views of different categories of respondent were identified.

About this report

The remainder of this report follows the structure of the consultation questions. In each base, the consultation question (and sub-questions) is presented in a box. This is followed by the findings of the analysis of closed questions (yes/no/not sure) where a closed question was asked; the total number of responses will vary between each question, as some respondents did not provide a response to each closed question.

An analysis of the key themes arising in open-ended responses to each question is then presented. Again, the total number of open-ended responses will vary between each question, as some respondents did not provide a response to each open-ended question. The proportions presented in the analysis of each question therefore relate to the total number who provided written comments in response to that question. The analysis ends with brief commentary on any key differences in views between different respondent categories (bearing in mind the significant differences in numbers of respondent in each category).

Throughout the report the themes and points presented are drawn from comments made by consultation respondents and do not represent the views of the report authors.

Question 1: draft statutory guidance

Does the draft statutory guidance provide suitable information to enable local authorities to assess the suitability of the education received by home educated children?

Yes	No	Not sure
16% (64)	72% (293)	13% (51)

n= 408

In addition to the responses to the closed question (yes/no/not sure), 261 written responses were provided in response to this question. The analysis below is based on these responses.

It is worth noting in particular that a large proportion of responses took the opportunity to express their views on a wide range of themes relating to home education but beyond the scope of the question. Themes outlined below therefore include both direct answers to the question and other answers. These themes are outlined below in order of frequency.

The most common response to the question was related to the qualifications and suitability of local authority (or other) assessors who would determine the standard and suitability of home education. This view was expressed in around a quarter of all additional written responses. Concerns around this theme ranged from the perceived lack of resources and training that local authority staff currently have and the potential for a lack of a consistent approaches across Wales when assessing home education.

Assessors were additionally considered to lack expertise regarding the philosophies, breadth and content of home education and responses outlined further concerns around the lack of clarity regarding how to deal with individualised home education approaches. Responses also outlined concerns about assessors deciding what is 'suitable education' without background knowledge of individual home educating parents and their children.

"It is difficult to establish what is a suitable education, and this is open to interpretation and misinterpretation as it is not sufficiently quantifiable to make a considered assessment and judgement. Officers would find it virtually impossible to make an objective evaluation." (Local Authority)

"It can only provide suitable information if the assessment is carried by people equipped to understand the different educational approaches used by home educators, according to a well-defined framework of expectations. The descriptions of the varying forms home education may take are well set out, but who is equipped to carry out and then to moderate these assessments? What criteria is used to appoint them and to monitor their work? No details are provided of this crucial aspect of the function ascribed to the LA." (Individual)

A fifth of responses also considered that the proposed guidance and the accompanying process that it supports runs counter to elements of the UNCRC, the Human Rights Act and the 1996 Education Act. **Responses considered that the guidance 'cherry picks' or 'distorts' aspects of these key legislative acts whilst ignoring other key elements**

which are considered to support a parent's right to home educate their child. The proposed process promoted through the guidance was therefore considered to be currently beyond the legislative powers of both the Welsh Government and local authorities.

“Section 437(1) of the Education Act 1996 does NOT require the LA to be satisfied that a child of compulsory school age is receiving a suitable education. It only requires to act IF a child is not receiving such an education, after it appears there is a problem or failure of the parents to provide their child with such an education. As such, the law does not require LA to assess suitability of the education received by all home educated children as the choice of parents to home educate does not automatically mean the child is receiving an unsuitable education (I dare say, far from it!).” (Individual)

Linked to this, around a fifth of responses considered that the guidance goes against their rights as parents to provide the education they consider best for their children. Responses outlined that parents have the ultimate right to decide on what consists of suitable education for their children and that the guidance was undermining their responsibilities and aimed at ‘punishing’ those children who are currently outside mainstream education. **This was considered to represent a disproportionate approach and to represent an unnecessary intrusion into the privacy of home educating families,** and cited in around a fifth of written responses.

“The only occasion where it is appropriate for the LA to investigate whether an education is suitable is when it is brought to their attention that an education is not taking place. Questioning the suitability of education received by all home educated children is unnecessary in order to reveal the few who fail to do so.” (Individual)

A further key concern was that home educated children should not be required to provide evidence to assessors. This was raised in just over a fifth of responses. Respondents considered that this was contrary to children's rights and would place them in stressful situations with individuals who, as noted above, are perceived to be unqualified in terms of the assessment of the quality and suitability of home education. This was particularly highlighted in the cases of children with SEN or ALN or who had had previously bad experiences within mainstream education. This process was considered to further contribute to stigmatising home educated children.

“I am not aware that the LA are instructed to speak with every school child to check they are happy to be in the school system. Forced visits to home educated children will cause distress and are intrusive, breed distrust and are quite frankly discriminatory to home educated children.” (Individual)

Around a fifth of responses also considered that the guidance does not currently reflect the complexities, benefits and value of home education or the reasons why some parents are choosing to home educate their children. Responses noted that the

national curriculum does not necessarily suit all children, for example those children with ALN or SEN or who have not succeeded within the school. They also pointed to the 'myriad forms' of home education, focused on the benefit to the individual child, which address different rates and levels of skills development and put a focus on learning in a range of environments within and outside the home.

“The Local Authority need to be able to accept that Home Educated learning happens at different rates and in different ways and shouldn't be measured against school-based methods and milestones.” (Individual)

A tenth of responses advocated the development of a more partnership-based approach, placing more trust in home educating parents and respecting their capacity and abilities to ensure a suitable education for their children. This partnerships approach was linked by some responses to the production of evidence from home educating parents to demonstrate their children are receiving a suitable home education. A letter to the respective local authority was considered to represent sufficient proof of education taking place.

Under a tenth of responses added further qualitative information supporting the draft statutory guidance. **These responses considered that the guidance provides 'clear', 'detailed', 'helpful' and 'well written' information for local authorities to assess the suitability of home education provision.**

Responses also considered that it was important that the guidance was focused on protecting the child and making the rights of the child clear. They noted that the draft appears to be compliant with UNCRC. **The inclusion of case law was also considered to be helpful and links to a clear 'rationale' and 'legal context' in defining what the Welsh Government identify constitutes a suitable education.** Several responses reported that the guidelines were what were required in order to better identify and assist home education families.

“The draft guidance provides much clearer guidance in this area and benefits from the inclusion of case law. The guidance on what a suitable education might look like is very helpful. This will allow Councils to ask specific questions and assist in the making of an informed judgement based on what is presented.” (Local authority)

Further comments from a minority of responses (under a tenth) included:

- better definitions of what suitable and unsuitable education looks like to support local authorities with their work and provide clearer guidance for home education parents
- clarity is needed in terms of who will secure the Additional Learning Provision (ALP) for home educated children who have additional learning needs.
- the lack of an assessment framework would impede local authorities and exacerbate issues around what is considered suitable home education

Differences in views between different respondent groups

Individuals and home education organisations were far more likely than other respondent groups to disagree with the question and raise the concerns discussed in the section above. Local authorities, education stakeholders, health sector organisations and safeguarding boards were more likely to express agreement with the question.

Question 2: legal responsibilities (chapter 1)

Does this chapter clearly set out the rights of parents to home educate their children and the duty on local authorities to identify children and make enquiries about their educational provision?

Yes	No	Not sure
28% (113)	64% (255)	8% (32)

n= 400

In addition to the responses to the closed question (yes/no/not sure), 217 written responses were provided in response to this question. The analysis below is based on these responses.

A third of responses considered that the chapter does not set out the rights of home educating parents and instead promotes guidance and processes which violate their rights. Responses particularly highlighted the intrusion into their privacy and the removal of rights to decide on the form and content of their child's education. Responses also noted the right of parents not to comply with local authorities and considered that the chapter misrepresents children's rights to an education, putting the state, rather than families, in control of education rather than families and using 'threats' such as SAOs.

"Parents have a duty to provide an education to their child, not a right. That duty may be satisfied by sending a child to school or by home educating. Local authorities have a duty to enquire if they have a reason to believe that a child is NOT receiving an education suitable to the child's age, abilities and aptitude." (Individual)

Over a quarter of responses considered that the chapter's aims go beyond the duties expected of local authorities and the legislative framework within which they operate. Respondents considered that the guidance contained within the chapter either misquotes or misrepresents current laws and duties of local authorities with regards to intervening in parental choices for the education of their children. Better working in an informal, positive manner with home educating families and a focus on identifying those children not receiving any form of education were suggested as preferable options.

"There is no current legislation that allows a local authority to gain access to a child unless there is concern about the wellbeing/safety of that child. What evidence is there that home educated children are at more risk than school educated children? None whatsoever." (Individual)

*"The LA's duty is to intervene if they have reason to believe a suitable education is *not* taking place - this is not the same thing as having a duty to intervene to *assess if* a suitable education is taking place." (Individual)*

Around a quarter of responses considered that the chapter's guidance was considered to be negative in tone towards home education families. Views raised

included that the proposals treat home educated children adversely compared to their schooled peers and allows discrimination against them on the basis of the state's view of their parents' choices. Examples given included home education children being singled out for special interviews or monitoring, which was considered to represent a disproportionate approach with extra checks and stress for these children.

“The reality of home education is it's calm and happy and involves considering the rights of the parents AND the children. It's hard work and it's wonderful, it protects children from the vagaries and short comings of the education system and the "care" that children get while at school. The assumption that seems to be prompting this document is that the majority of the home educating public does not have the best interests of their children at heart and this is both erroneous and deeply insulting.” (Individual)

Closely linked to these responses were views that that the chapter was misrepresenting the UNCRC or ‘quoting selectively’ from aspects of it to support its guidance and processes. Just under a fifth of responses raised this theme. These included views that the guidance currently runs counter to UNCRC Article 5 and does not recognise parental rights and duties; Article 16 as the proposals are perceived to interfere with the child's privacy and family; and Article 2 in that the perceived discriminatory focus on home educated children will ensure they will be treated differently to children educated in school.

“If quoting the UNCRC it is important not to cherry pick aspects for the purpose of this consultation. Article 5 states that parties shall respect the responsibilities, rights and duties of parents to provide in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of their rights recognised in the present convention'. It is the duty of the parent to guide the child in exercising those rights, not the duty of the government.” (Individual)

Around a tenth of responses added qualitative information supporting the proposals. The chapter was considered to ‘set out clearly’ respective rights and duties and was ‘user friendly’ in its aims and provided useful further information on topics such as independent schools and duties to register these settings. There were also a number of comments that the chapter brings clarity to the legal framework within which local authorities can operate. Alongside these positive views there were, however, some calls for further detail on the duties of home educating parents.

“Although it clearly sets out the current legal position we strongly advocate that there should be a legal obligation placed on parents/carers to register their intention to EHE.” (Health body)

“(It) sets out parental rights fairly, however, oversteps the mark by assuming that LA are to monitor provision and have access to the child.” (Individual)

“It is essential that the duty of local authorities to maintain a database of children educated outside of schools is accompanied by a corresponding duty for parents to list their children on that register. In the absence of such a legal duty, it will be impossible for local authorities to collect accurate information and safeguard the rights and interests of children because the most at-risk children will generally be those whose parents are the least likely to opt in to a system of registration.” (Third sector body)

A minority of responses (under a tenth) also expressed views relating to:

- Views that the guidance is misleading in terms of setting out rights and duties, with particular regard to the legislative powers and reach of local authorities;
- School children are not interviewed for their views on their education so home educated children should not be exposed to what could be a stressful and intrusive experience
- More clarity is required with regards to rights and duties of local authorities and parents and how these are legally enforced.
- Local authorities will need extra resources to undertake assessment processes and to train staff accordingly when engaging further with home education families;
- There are unresolved data protection issues relating to sharing and storing of information on home education families;
- The proposed approach will lead to stigmatisation of home educated children and creates confusion about safeguarding.

Differences in views between different respondent groups

Individuals and home education organisations were more likely than other respondent groups to disagree with the content of the chapter and raise the concerns discussed in the relevant section above. Local authorities, education stakeholders, health sector organisations and safeguarding boards were more likely to express agreement with the content of the chapter although some individuals also expressed support. Local authorities, safeguarding boards and education stakeholders required more clarity in some areas.

Question 3: identifying children not known to the local authority (chapter 2)

Does this chapter clearly outline the requirement under Section 436A of the Education Act 1996 for local authorities to make arrangements to enable it to identify, so far as it is possible to do so, the identities of children in its area who are not receiving a suitable education?

Yes	No	Not sure
25% (98)	62% (245)	14% (55)

n= 398

In addition to the responses to the closed question (yes/no/not sure), 213 written responses were provided in response to this question. The analysis below is based on these responses.

Over a third of responses expressed concerns concerning the collection, storage and use of data by local authorities and associated agencies such as the NHS and social services. For some respondents this proposal is a 'clear breach' of the current Data Protection Act and GDPR with some questioning the envisaged role of health professionals in passing on confidential information. Others pointed out that the guidance doesn't make it clear that data will be shared only when there is significant risk to the child.

"This is a concern. Families who wish to continue home educating may avoid attending NHS facilities in order to continue without intrusion, and then this may end up causing problems which wouldn't have existed before. As soon as GDPR is overstepped the damage is done, and this is likely to happen where it is not warranted." (Individual)

Another key concern was the perception that the guidance was confusing home education of children with those who were receiving no education at all. This response was raised in a quarter of responses and considered to form part of a 'blanket policy' of discrimination against home educating parents and their children. Further comments included that guidelines 'interfering' and a 'disproportionate approach' which assume higher level of risk to a child because of their status as home educated. Some responses noted that there is no evidence to suggest that home educated children are at any greater risk of harm than schooled children and risks can potentially be less.

"Children who are missing education needs to be addressed separately. I feel adding it into a home education document is not suitable and is marginalising the home educating community further by grouping us in with neglectful parenting." (Individual)

Around a fifth of responses also criticised the guidance for linking home education to safeguarding concerns. Respondents outlined that home education should be viewed as a legitimate choice and resented the implication they perceived in the guidance that home educated children are at greater risk. It was considered that this was symptomatic of a

'divisive' approach which could affect families who are already feeling discriminated against and drive them away from any additional support and services they need.

“Home Education is not in itself a reason to believe that a child is at risk of harm in any form. Hospital staff, GP staff, opticians, dentists and so on should not be treating it as if it is and they should certainly not be sharing such information with the LA or any other agencies.” (Individual)

Other themes raised by around a tenth of responses included:

- Views that what was being proposed was not legal in terms of planned data collection and sharing and the monitoring of home education families;
- Views expressed that what was being proposed misrepresents the duties and roles of local authorities with regards to collecting and sharing data on home educating families;
- Criticism of the state education system in terms of its quality, funding and capacity to deliver an effective programme with SEN/ALN children.

Other responses highlighted by a minority of responses (under a tenth of responses) included:

- Further guidance and clarification required including the sharing of data and the purpose and destination of this data to support the proposal;
- The definition of 'suitable education' is considered vague and open to interpretation, which has the potential to create future conflict and make assessment more difficult;
- Views that there should be a focus on reasonable cause before action is taken against home education families, home education itself not being considered as a reasonable cause;
- Expressions of support for joint agency working, noting the value of cooperation between education, health and social organisations in order to promote better engagement with services.

A minority of responses (under a tenth) considered that the proposed approach could lead to better joint working and partnerships between agencies that engage with children and families. Some responses also offered qualified support while calling for additional clarity as to what data will be shared and to what purpose, with several noting that data sharing should only be lawful where a child is at risk of significant harm. Other points raised to support the proposal included the development of practical guides for ISPs and further clarity for local authorities in managing transition points and the use of the Lost Pupil Database with English counterparts.

“The Guidance highlights that local authorities should be creative and proactive in identifying children in order to ensure best possible coverage. As an authority we also welcome several of recommendations contained within this section especially areas relating to joint working. It is clear that better joint working between agencies would benefit the identification of learners whom are not currently in suitable education.” (Local authority)

Differences in views between different respondent groups

Individuals and home education organisations were far more likely than other respondent groups to disagree with the question and raise the concerns discussed in the section above. Local authorities, education stakeholders, health sector organisations and safeguarding boards were more likely to express agreement with the question – and support the idea of joint agency working - however some also called for more detail and clarification regarding data collection processes, legislative competences and safeguarding.

Do you think that the development of a database is a reasonable and proportionate approach?

Yes	No	Not sure
19% (80)	72% (299)	9% (37)

n= 416

In addition to the responses to the closed question (yes/no/not sure), 261 written responses were provided in response to this question. The analysis below is based on these responses.

A quarter of responses expressed strong views against the development of a national database, linking it to the sex offenders database and opining that the proposed approach would equate home education families with this group of criminals. This was considered to be a hugely disproportionate response that would further contribute to stigmatising and vilifying home education families and their children. **Just under a fifth of responses questioned the legality of such an approach**, considering it unreasonable and unenforceable and would lead to a further breakdown of communications and trust between local authorities and home education families.

“While it is a matter for each local authority to decide if they wish to keep a local database of home educated children, to help them provide support to families, there is no legislative basis for the formation of a national database to be shared either with other authorities, partner agencies or third parties. The only such mandatory database that I am aware of is for registered sex offenders.” (Individual)

Linked to these themes just under a fifth of responses considered that the setting up of a database was an intrusion into the private lives of families. Responses included perceptions of bias and persecution against home education and that any contact from local authorities should only be related to where there are safeguarding or wellbeing issues. Overall, it was considered that the database will not lead to an improved service or support for home education families, with responses noting that increased local authority oversight over their children will not necessarily lead to offers of genuine help to home educated families.

“Home education is legal choice for parents and children. There is a real danger that a child’s right to privacy will be infringed by such a database. Privacy and confidentiality are there for a reason. This is particularly true

where children have a background of trauma. Their story or details about them should not be available to officials who do not have permission, training, experience and understanding of their particular experiences.”
(Individual)

The complexities of data gathering and protection was also highlighted in over a fifth of responses. Linked to comments in the previous section responses expressed concern regarding ensuring the integrity of local authority systems and how data will be collected, stored and used. Responses also considered that sharing data between a range of agencies and sources can lead to enhanced risk of data breaches and there were concerns about safe storing of this data and potential safeguarding issues related to any potential leaks or misuse.

Around a sixth of responses also considered that the proposals for a database went beyond the current legislative powers and duties of local authorities. Responses perceived that the law already strikes a balance between protecting children (via Section 437) and providing sufficient freedom to parents to meet their children’s educational needs.

These responses also pointed out that local authorities have internal systems and maintain these to support services in their own local area. Some views (under a tenth) were also expressed on the costs of such an exercise and the potential negative impact on social services because of the resources and funding being diverted into the scheme.

Other themes raised by around a tenth of responses included:

- The proposal for a database is likely to undermine trust between home education parents and local authorities and other agencies and may lead to less engagement in future, which could potentially harm the children that the process is aiming to protect;
- Views that the proposals represent a disproportionate approach to the identified problem and that home educating parents are being monitored and discriminated against, causing them unnecessary levels of stress when accessing health and other social services.

A number of the ‘yes’ responses added further qualitative information supporting the draft statutory guidance. **These responses considered that the guidance provides ‘proportionate’, ‘reasonable’ and ‘a positive response’ and is ‘vital’ to ensure children’s rights are being protected.** The proposed database was seen as an important tool to assist local authorities in tracking vulnerable learners and would allow comprehensive oversight of all school age children and provide intelligence in order to support them and their families and establish what type of education is being delivered.

“A database is a reasonable method for implementing this duty and fulfil the Welsh Government’s commitment to all children. While children do not need to attend school, it is reasonable to assume that a database would both allow Wales to encourage children not attending school to participate in formal education, and understand which children are receiving a suitable home education and do not, therefore, need to be encouraged back into school.” (Third sector organisation)

Some responses offered more qualified support, indicating that parents should be able to choose to opt in or out of such database and give consent to data being shared. Additionally, some responses called for more detail on the type and scope of information local authorities are expected to hold, how often it will need to be collected and updated, how consent is obtained as well as GDPR compliance measures. The administration of the database is seen to have resourcing implications for local authorities and joint working between agencies was considered essential, where resources permit.

Other responses highlighted by a minority of responses (under a tenth) included:

- Additional comments linked this support to taking a more positive approach, working with home education families to find joint solutions that can be acceptable to everyone and place the children at the centre of the process;
- Views that the database represents a proportionate response and an essential element of ensuring that children receive protection and their rights;
- The database will support awareness of the education and movement of children and that this is beneficial for local authorities to deliver their statutory duties and ensure children in their area are receiving a suitable education;
- Clearer guidance for data protection, linked to comments in previous sections;
- A smaller amount of other comments regarding the proposal as a waste of money and that the funding instead should be used to improve social services.

Differences in views between different respondent groups

Individuals and home education organisations were far more likely than other respondent groups to disagree with the idea of a database and raise the concerns discussed in the section above. Local authorities, education stakeholders, health sector organisations and safeguarding boards were more likely to express agreement with the proposed database and its potential benefits for tracking vulnerable learners. However, some also called for more detail and clarification regarding data collection and sharing processes, consent and resources.

Do you think there should be a system in place requiring independent schools and local health boards to share limited specified information with local authorities, to enable them to identify children who are not known to them, in order to make arrangements to ensure that these children are receiving a suitable education?

If 'no', how would you suggest the local authority complies with the requirement to identify children who are not known to them in order to make arrangements to ensure that these children are receiving a suitable education?

Yes	No	Not sure
19% (78)	73% (303)	8% (32)

n= 413

In addition to the responses to the closed question (yes/no/not sure), 295 written responses were provided in response to this question. The analysis below is based on these responses.

Around a fifth of responses criticised proposals to share data between health agencies and local authorities. Responses outlined a range of concerns including confidentiality of patient data, going against current codes of practice and concerns regarding protection of data. It was considered that this approach could puttingput children in danger by acting as a deterrent to home education families to accessing health care. It would also create an uncomfortable environment for health professionals and home educators and this was viewed as a further barrier to be facefaced by home education families.

“The part that concerned me was the suggestion that local health boards would be required to disclose information to a local authority about children in their area. Some in the home-schooling community are, rightly or wrongly, deeply mistrustful of local authorities and their approach to assessing them and their families. I worry that enacting such regulations could even push some families away from public health provision.”
(Individual)

Amongst responses against the proposal a common theme was that local authorities are not required to identify home education children under current legal frameworks, with almost a fifth of responses raising this. Some responses questioned the guidance’s interpretation of the 1996 Education Act and considered that a more accurate interpretation is that the requirement to share information is only when the local authority has reason to believe that a child is at significant risk of harm. Responses identified other suitable and effective channels to identify children at risk of neglect including the expertise that exists already within social services.

“This question overstates the responsibilities of the local authority. The 1996 Education Act clearly defines the parent, not the LA, as being responsible for the education of their child. The LA does not have a responsibility or right to investigate the suitability of the education of a home educated child where there is no evidence to show that the education is not suitable.” (Individual)

The linking of home education to safeguarding was another key theme for responses, with just under a fifth of responses raising this theme. Responses included a range of views outlining that home education is not a reason in itself to believe that a child is being maltreated or denied rights and does not warrant such intrusion into family lives. It was felt that this process would create further marginalisation of home education families and, again, this was considered to be an unfair and disproportionate response to home education parents. It was also considered that sharing of data that falls outsidewithout the presence of genuine safeguarding and health concerns and could damagesdamage the relationship between HE families and health care providers.

Over a tenth of responses noted that local authorities currently have access to birth registers and school admission and leaver records to support their own processes and safeguarding strategies. Responses considered that local authorities should therefore continue to use ‘all current lawful’ ways of accessing information on children. Some responses again reiterated that the best way to collect this information would be to provide a

positive and open environment whereby home educators would willingly and happily submit this information. It was also highlighted that many local authorities have no system or funding in place to support home education families, and therefore they (the families) see no reason to currently engage.

“I believe that there are already sufficient mechanisms in place for identifying children who are being neglected/abused (which is in essence the concerns of the LA's). In these cases social services departments already have the necessary powers under current law. No further legislation is required and it would only serve to place an unnecessary burden on the local authority.” (Individual)

A range of responses contained further qualitative comments to support the proposal outlined. For some respondents combining local authority and health board information is ‘crucial’ and a ‘prudent’ approach’ and that sharing protocols should be put in place to capture data across Wales. **Under a tenth of responses considered that knowledge sharing could be helpful in supporting local authorities fulfil requirements to identify children not known to the education system.** Some responses added that ‘transparent and accountable approaches’ should be explicit regarding the responsibilities of data collection and holding systems in order to address any concerns regarding data protection.

“We feel a system to share information is essential so that the local authorities can identify all children in their area to ensure their rights for education and protection from violence, abuse and neglect are realised.” (Third sector organisation)

Other themes raised by around a tenth of responses included:

- A range of comments relating to education of children being parents’ responsibility not the state’s;
- That safeguarding systems are already in place within local authorities relating to identifying children at risk of harm and these existing systems should be used rather than developing new systems targeted solely at home education families;
- Linked to the point above responses considered that current safeguarding systems are sufficient in the way they work across multiple agencies and effectively flag children who are considered to be at risk;
- Severe consequences for home education children in terms of continued stigmatisation and lack of access to essential social services for those with SEN or ALN or who have suffered from traumatic experiences with education in the past were highlighted as potential results of an ongoing lack of cooperation.

Other themes raised by a minority (under a tenth of responses) included:

- Working with local health boards (LHBs) as part of a wider joint agency approach to supporting the rights of children was considered to be a model worth considering to support children’s rights and wellbeing in Wales;

- There were calls to develop better relations with home educating parents through compromise, communication, practical and financial support and other measures to develop confidence and work in partnership to promote and respect the rights of children.

Differences in views between different respondent groups

Individuals and home education organisations were far more likely than other respondent groups to disagree with the idea of a database and raise the concerns discussed in the section above. Local authorities, education stakeholders, health sector organisations and safeguarding boards were much more likely to express agreement with the proposed approach and its potential benefits for identifying and tracking vulnerable learners and joint agency working to support a Wales-wide approach.

Question 4: efficient and suitable education (chapter 3)

Families opting to home educate should be able to offer a suitable education from the outset and have made preparations with that aim in view. That said, do you think there should be a reasonable period of adjustment for families before the local authority considers whether a suitable education is being provided? If 'yes', please note what would be considered reasonable in your opinion?

Yes	No	Not sure
78% (317)	17% (67)	5% (22)

n= 406

Although the question asked for respondents to provide written comments if they had answered 'yes' to the closed question, respondents who had answered 'no' and 'not sure' also chose to provide comments. Their views are therefore reflected in the comments below; it is worth noting in particular that very few of those who answered 'no' did so because they felt there shouldn't be a period of adjustment. Caution must therefore be exercised in interpreting the closed responses to this question, due to how respondents themselves have interpreted the question.

In addition to the responses to the closed question (yes/no/not sure), 361 written responses were provided in response to this question. The analysis below is based on these responses.

Almost three quarters of responses provided some indication of what could be considered a reasonable period of adjustment. Time periods recommended were rough estimates, with respondents stating that a reasonable period might be *up to, at a minimum, or roughly* a particular time period. The reasonable period of adjustments suggested by respondents should be considered alongside the remainder of the analysis presented under this question, as respondents raised particular considerations which should influence decisions on reasonable periods of adjustment.

The most commonly suggested time periods were *up to, at a minimum or roughly* 6 months, as well as *up to, at a minimum or roughly* a term / three months; around a fifth of responses indicated each of these periods. A tenth of responses recommended around a year as a reasonable period. Numerous other reasonable periods were also suggested in a small number of responses (between 1 and 11 responses), including one month for every year the child has been in formal schooling, 3-6 months, 2 years, a few weeks and an unspecified very long-term period.

“A reasonable period of time to allow home educators to set up their provision should not be more than three months. Any longer would be detrimental to the child or young person's ability to keep pace with children receiving mainstream education.” (Local authority)

“Several months, even 6 months. It takes time to get over issues they may have had such as bullying and time for parents to find resources, groups etc. It is an important time and shouldn't be rushed. It also takes time to try different resources, groups etc to find what works well for that particular

child. The parents time should be focused on this, not on preparing evidence for the local authority.” (Individual)

Over a quarter of responses emphasised that what would be considered reasonable period of adjustment will vary significantly between each child and each family.

Decisions regarding a period of adjustment must be made on a case-by-case basis, taking into account the varying needs of each individual child and aligning with parents’ knowledge of their child’s needs. For example, children may have additional learning needs which need time to address or each child may simply take more or less time to adjust to a home education environment.

“A suitable period would depend on the age and child development level of the individual rather than an arbitrary time period. Having an arbitrary period will prove problematic for local authorities and could cause workload issues particularly if this becomes a monitored measure in some way.”
(Education stakeholder)

A quarter of responses reported that a period of adjustment must allow time for children to recover from any trauma received in the school setting and for their mental health to improve and stabilise.

Responses emphasised that when children have been removed from school because of a negative or traumatic experience in school (such as bullying or mental health concerns), the parents’ priority must be to support and allow the child to recover from this trauma before further home education can happen.

A quarter of responses explained that a period of adjustment must allow time for families to work together to find appropriate learning styles and make adjustments to the learning environment.

Responses highlighted that time is needed for parents to trial different ways of learning, to identify approaches which best engage their child and to identify the level at which their child is working. Although home education may start from day one, time is needed to allow families to be flexible and make adjustments as their child’s learning needs become apparent.

“If a child has been at school and moves to home education, the child and family may take time to readjust to the new situation and to work out the most appropriate ways for that child to learn and rediscover their natural interest in learning.” (Individual)

Around a tenth of responses also raised each of the following issues:

- Plans for home education may not necessarily be in place from the outset (particularly when children are withdrawn from a school setting suddenly and under difficult circumstances) and sufficient time is needed to establish effective education approaches.
- Placing additional pressure on home educating parents too soon and ‘rushing’ their home education approach would lead to a negative impact on the child’s education and a negative impact on the local authority’s relationship with the family.

- There is legal precedent which should be followed to inform decisions on a reasonable period of adjustment; specifically, that R v Gwent County Council Court of Appeal (civil div) 129 sj 737 10 makes clear that the local authority should allow the parent 'sufficient time to set in motion their arrangements for home education'.
- Allowing families to voluntarily engage with local authorities should be prioritised, including providing advice and guidance.
- School holiday periods should be excluded from any reasonable period of adjustment.
- 'De-schooling' Deschooling takes time, as children need time to disassociate from traditional learning styles and rediscover their love of learning.

Differences in views between different respondent groups

There were limited distinct differences between the views of different categories of respondent in relation to a suitable period of adjustment. Individuals, third sector organisations and home education organisations were slightly more likely than other categories of respondent to dispute the underlying premise that a local authority should be considering whether a suitable education is being provided.

Section 4.15–4.18 of the statutory guidance refers to the suggested characteristics of a suitable and efficient education for local authorities to consider. Is there anything else you think should be included?

Yes	No	Not sure
35% (133)	44% (166)	21% (79)

n= 378

In addition to the responses to the closed question (yes/no/not sure), 247 written responses were provided in response to this question. The analysis below is based on these responses.

A little under a fifth of responses identified each of the following aspects of the statutory guidance as an element which should be removed:

- The word “language” should be excluded from the suggested characteristic of “provision in numeracy, literacy and language” as there is no legal basis or precedent for this inclusion and the word is open to interpretation.
- The characteristic of a “broad range” or “broad spectrum” of education should be excluded as there is no legal basis or precedent for this inclusion and a “broad” education is not necessarily in the best interests of every child (for example in the case of child-led education or children with SEN).
- “Digital literacy” should also be excluded as there is no legal basis or precedent for this inclusion and families may well have teaching and learning approaches, or religious or philosophical beliefs, which eschew the use of digital technology.

“There is no legal requirement for the provision of “language skills,” so paragraph 4.15 is misleading and should be amended. Since the Education Act 1996, section 7 requires that education is to be “suitable to a child's age, ability, aptitude and any special needs he may have”, the phrases “reasonably broad range of learning experiences” and “broad spectrum of

learning opportunities" in 4.18 are also misleading. Likewise, the "opportunity to develop digital literacy" has no legal basis." (Individual)

Over a tenth of responses identified each of the following overarching weaknesses with the suggested characteristics of a suitable and efficient education:

- Responses expressed disagreement with the underlying premise that local authorities should be considering whether home education is suitable and efficient in the first place. Decisions relating to the content and learning approaches of home education should rest with parents.
- Responses raised concerns that establishing a system for assessing the suitability and efficiency of home education would lead to a 'tick box' approach which doesn't not recognise the differences between home and school-based education, or between different children.
- Similarly, responses noted that local authorities are not likely to be best-placed to make judgements about the suitability of education for each individual child; the parents are best placed to do this and it is difficult for those familiar with school-based education to make informed, unbiased judgements about home education.
- The guidance does not fully acknowledge and demonstrate understanding of the variety of teaching and learning approaches used by home educating families, including child-led approaches. As such, the absence of any or all of the suggested characteristics does not mean a child's education is unsuitable, but rather than alternative learning processes are in place.
- Responses emphasised that good progress looks different for each child; children will learn skills and demonstrate different capacity for learning throughout their home education. Any monitoring, measuring or assessment systems (including particular milestones) put in place to support local authorities to decide on the suitability and efficiency of home education will not necessarily be appropriate for all children.
- Responses reported that the Education Act 1996 requires that a child's education be suited to their age, ability, aptitude and special needs. This principle is deemed sufficient to guide decisions relating to home education.

"This pays no heed to an individual child's needs or interests and no awareness that every family will have their own philosophy of education. All parents choose the education that is fit for their child, be it state school, private school, boarding school, Steiner and Montessori schools, or home education. Some families may facilitate learning in areas that are not included in the state school curriculum (some families locally learn Japanese, photography, Latin, climbing etc.)" (Individual)

A small proportion (under a tenth) of responses also identified key factors to be considered when defining characteristics of suitable and efficient education:

- In general terms, the suggested characteristics are seen to pull home education closer to the mainstream curriculum. Home educators should maintain the right to follow a curriculum tailored to their child.
- A possible starting point for suitable characteristics is legal precedent; what the law already requires of home educators should provide a foundation for any guidance.
- Numeracy is not defined to the same level of detail as literacy; further detail should be included.

- Further clarity could be included on the “socialisation” element of the guidance. Responses emphasised that not all children will be ready and able to develop social skills in line with local authority expectations.
- There are existing sources and treaties which should be considered while developing suggested characteristics, including the United Nations Convention on the Rights of the Child, the Wellbeing of Future Generations (Wales) Act and the Universal Declaration on Human Rights.
- Further detail should be included on how the suggested characteristics apply to children with SEN, including how local authorities will be able to appropriately support their home education.

“The guidance repeatedly states that it respects autonomous and alternative methods of education BUT repeatedly states that the use of the national curriculum would suggest the child is receiving a suitable education. As autonomously educated children do NOT use the national curriculum, it is inferred that that type of education is not suitable.” (Home education organisation)

A small proportion (under a tenth) of responses also identified additional elements or information which should be included within the suggested characteristics:

- Further detail on how local authorities would be considering home education against the suggested characteristics, including how to ensure decisions are consistent.
- Further acknowledgement of the wide range of skills and child-led activities which may be included within suitable home education, other than traditional education activities.
- Consideration should be given to how the child’s mental health, wellbeing and emotional literacy is supported within a home education environment.

“It should be noted how this is going to be assessed and what formats are acceptable for doing so . The Guidance does not state how LA would be expected to assess on these areas, and what this might look like within the framework of the new curriculum.” (Local authority)

Differences in views between different respondent groups

In general, the themes raised above were raised by a variety of different categories of respondent. Local authorities, third sector organisations and education stakeholders were slightly more likely than other categories of respondent to request details on how the guidance would work in practice, request a focus on mental health and wellbeing and emphasise that other human rights sources must also be considered. Individuals and home education organisations were slightly more likely than others to emphasise that the requirement for a “broad range” of education should be excluded and that judgement of suitability should only be based on whether the child's education is suited to their age, ability, aptitude and special needs.

Article 12 of the UN Convention on the Rights of the Child (UNCRC) states that children have the right to have opinions and for these opinions to be considered when people make decisions about things that involve them. The statutory guidance states that in order for a local authority to satisfy itself of the suitability of education provided, the local authority should see and speak with the child. Do you agree with this statement? If 'Yes' what would be the best way to gather the views of the home educated child?

Yes	No	Not sure
19% (77)	75% (308)	7% (27)

n= 412

The consultation question asked those who answered 'yes' to the closed question to provide written comments, but comments were provided by respondents regardless of how they had answered the closed question. In total therefore, 352 written responses were provided in response to this question. The analysis below is based on these responses.

Among those who agreed with the statement, the most common themes were as follows. These themes were raised in a minority of overall responses (between 10 and 20).

- A range of options must be made available to allow children to communicate with local authorities in the way that best suits their needs. Individual needs may depend on a variety of factors such as age, stage of development or additional learning needs. The range of options may include providing a mixture of face-to-face, digital and paper options, as well as advocacy.
- Very clear guidance is needed to ensure a consistent approach across local authorities, particularly as there are no statutory powers for local authorities to mandate a meeting with the child; consistency is necessary in how local authorities judge what is in the best interest of the child and use their professional discernment. Guidance should provide clarity on how local authorities should implement the statutory guidance when Article 40 of the UNCRC states that no child will be compelled to give testimony.
- Where local authorities do engage with children; face-to-face, individual meetings would be most appropriate. Relaxed conversations should take place, with local authorities asking open questions and ensuring the child feels comfortable.
- Gathering the views of children must be done in a completely un-biased manner; local authorities must approach the conversations in an open-minded manner, parents must not influence their children's comments and it must also be borne in mind that children may not yet be ready to fully form views on their home education.
- Responses provided suggestions as to the most suitable location for interviews, which may depend on family preferences. Locations could include the family home or a neutral environment in the local community.

“The Welsh Government not only should, but must, ensure that the child’s views are part of the home education assessment process...The guidance rightly questions the ability of local authorities to assess the suitability of education without speaking to the child, but recognises that this may not be in the child’s best interest in every case. It is therefore imperative that the pre-visit template for children is designed and tested by children from diverse backgrounds and of varying ages, genders, and abilities. We encourage the Welsh Government to take this action before releasing the final version of the statutory guidance.” (Third sector organisation)

“I've learned from experience that the best way to allow the child to speak freely about themselves and their education would be a group meeting, through allowing the child to get involved in activities with other children and their parents, I have found children talking freely while enjoying the activity, allowing them to feel more comfortable while still feeling safe in the presence of their parents/guardians.” (Individual)

Among those who disagreed with the statement, or weren't sure or didn't respond, the most common themes raised (in around a third to two-fifth of responses) were as follows.

- Home educated children cannot legally be compelled to speak with local authority representatives. Articles 12 and 13 of the UNCRC should be interpreted as providing children with the right to express views if they choose, not making the expression of views mandatory. Article 40 is also noted as ensuring children should not be compelled to give testimony. Responses raised concerns over the potential negative response from local authorities if a child exercises their right not to engage with local authority representatives.
- It would be discriminatory to require local authorities to see and speak with home educated children but not require the same for all school educated children. This would include local authorities responding appropriately if both home educated and school educated children express a desire to change their education circumstances.
- It is the duty of parents to mediate and guide their child in exercising their rights, not the duty of the State, which is reflected in Article 5 of the UNCRC. Responses noted that the statutory guidance's proposal contravenes Article 5 by placing this duty on the State. Responses also emphasised that Article 14 of the UNCRC ensures that parties shall respect these parental rights and duties. Parents should therefore maintain responsibility for their child's education. Responses emphasised that parents are regularly expected to act in the best interest of their children in all aspects of their lives, including their education. The guidance's proposal is therefore seen to risk contradicting the better judgement of parents by gathering not fully formed views from children, who are not yet completely competent to make judgements relating to their education.
- Requiring children to see and speak with a local authority representative, potentially against their wishes, could have a negative impact on the child's wellbeing. Speaking with a stranger, particularly if the child has experienced trauma within the school system, could lead to prolonged anxiety, stress, a negative impact on their mental health and feeling unsafe. This is seen to contravene Article 37 of the UNCRC with ensures children are not subjected to degrading treatment.

“We are by no means persuaded that Article 12 of the UNCRC requires the local authority to ascertain the views of the child as to his or her experience of home education. Pupils in school are not routinely interviewed in connection with their school experience and asked if they would prefer to be educated ‘otherwise’, and we are not convinced that home educated children should be interviewed along similar lines either.” (Third sector organisation)

Among those who disagreed with the statement, or weren't sure or didn't respond, the following themes were also raised in a smaller number of responses (between a tenth and a fifth of responses).

- Responses expressed a lack of trust in local authorities to appropriately engage with children. Concerns included a lack of expertise to understand the individual needs of each child, a high likelihood of misinterpretation of the child's views and safety concerns over leaving a child alone with a stranger.
- Responses noted that the proposal to require local authorities to see and speak with the home educated child would interfere with the child's right to privacy in their family life and in their home, in contravention of Article 16 of the UNCRC. Additionally, requiring samples of a child's work is also seen to contravene Article 16, interfering with the child's "privacy, family, home, or correspondence". The proposal is seen as undue interference outside the local authority's appropriate sphere of influence.
- Such engagement with the home educated child could occur only when there is clear evidence of safeguarding problems; safeguarding should remain separate from concerns over the suitability and efficiency of education. The default position should not be to assume the unsuitability and inefficiency of all home education.
- Responses reported that children may face a range of communication barriers which could make seeing and speaking with a stranger distressing and ineffectual, such as: Additional learning needs; speech, language and communication needs; or being at too early a developmental stage to communicate effectively.
- Any engagement with home educated children can be achieved in a much more considered, light-touch manner which allows the child to dictate the terms of engagement and can involve alternative mechanisms such as videos or digital routes.

"Monitoring all home educating families by mandatory interviews represents an arbitrary intrusion into the private life of each home educated child and his/her family. If there is no evidence of a problem an enforced meeting is not a proportionate response to a family's lawful decision to make private arrangements for the education of their children. Subjecting the entire population of home educators to compulsory meetings on the basis that a few members of it might have committed a crime would represent arbitrary invasion of the privacy of these families." (Home education organisation)

Differences in views between different respondent groups

Individuals and home education organisations were more likely than other respondent groups to disagree with the statement and raise the concerns discussed in the relevant section above. Third sector organisations and education stakeholders also expressed some of the same concerns, but less frequently. Local authorities, education stakeholders, health sector organisations and safeguarding boards were more likely to express agreement with the statement, noting potential mechanisms of engagement but also requesting clearer guidance on implementation considering the potential delivery challenges.

In your view, how often would it be reasonable for the local authority to meet with the home educating family to assess the suitability of education provided? Please explain your views.

In total, 397 written responses were provided in response to this question. The analysis below is based on these responses.

Around two-thirds of responses indicated that local authorities should never require mandatory meetings with the home educating family to assess the suitability of education provided. These responses noted that local authorities should be meeting with home educating families only if those families have specifically requested and consented to a meeting, or if an Education Supervision Order is in place. Meetings should not be mandatory unless there are clear safeguarding concerns. Face-to-face engagement with the local authority should be led by the home educating family and regular written reports (or similar evidence) provided by home educating families should be sufficient. Local authorities should seek to provide helpful, accessible advice and guidance which home education families can freely access instead of mandating meetings.

These responses also echoed doubts raised in responses to other consultation questions about the extent to which local authorities should be assessing the suitability of home education and the distress such visits could cause for home educated children.

“I believe suitability of educational provision can be assessed at a distance and does not need to automatically include a meeting. Visits can be useful where a family has expressed the desire for local authority involvement, or where the local authority has genuine reason for concern about the provision. Otherwise, it is simply not necessary. A good report showing what is involved in the provision and recent progress made by the child is enough.” (Individual)

“It is reasonable for the local authority to meet with parents as frequently as parents request or as evidence indicating harm require, or where a Court has made an Education Supervision Order.” (Home education organisation)

Similarly, a very small proportion of responses (well under a tenth) did indicate a specific timing for local authorities to meet with the home educating family, but emphasised this was still to be offered as a voluntary meeting only. Once a year was a common suggestion within these responses, as long as home educating families consent to a meeting and such a frequency can be resourced by local authorities.

“Annual Home Visits / Annual Reports from parents on child/young person’s progress. There is no legislation to enforce any visitation nor a scheduled visit.” (Local authority)

“No more than annually, and the parents must continue to have the right to refuse to meet if they prefer to submit a report. This should NOT be made compulsory.” (Individual)

Under a fifth of responses indicated a specific time period for local authorities to meet with the home educating family. An annual meeting was most frequently recommended. A smaller number of responses (less than 10) also recommended a range of other time periods including: termly, every two years and about twice a year. The rationales provided within responses for the suggested time periods tend to focus on ensuring regular oversight of education to ensure education provided is of a high quality, while also minimising the burden on both local authorities and home educating families.

“[Our organisation believes] that home educating families should be assessed every six months. This frequency ensures that there is regular oversight of education in a way that would satisfy local authorities that the education provided in the home is of a continuously high standard. However, it is not so frequent as to disturb or intrude upon the education.”
(Third sector organisation)

Just over a tenth of responses indicated that the frequency of meetings between local authorities and home educating families should be decided on a case-by-case basis. These responses explained that the frequency of meetings cannot be pre-determined. Rather local authorities should take a variety of factors into account to make decisions on how often to meet with families, including: the wishes of the home educating family; any additional learning needs; whether any concerns have previously been raised over the quality of education or safeguarding concerns; whether more frequent contact should be provided to new home educators, potentially tapering off over the years; or whether meetings might be more necessary at key points of the child’s life.

“An annual assessment may be seen as an acceptable timeframe to provide assurance that the child is developing educationally in the same way as their peers, however it would be more appropriate to address the reviewing period on an individual basis, depending on the educational needs of the child, the progress they are making and additional aspects that may influence their ability to reach their full potential.” (Health sector respondent)

Differences in views between different respondent groups

Individuals, third sector organisations and home education organisations were more likely than other categories of respondent to that local authorities should never require mandatory meetings with the home educating family to assess the suitability of education provided. There were no other distinct differences in the views of different categories of respondent, with a range emphasising that the time period should change depending on family circumstances and a range providing a suggested time period.

In your view, who would be best placed to conduct the visits and assess the suitability of the education provision and why? For example, this could include (but is not limited to):

- local authority home education officers
- an independent panel of education professionals
- a qualified teacher
- a teaching assistant
- other.

A total of 387 written responses were provided in response to this question. The analysis below is based on these responses.

Around half of responses indicated disagreement with the premise of mandating visits with home educating families to assess suitability of the education provision.

These responses echoed concerns raised under other consultation questions about the lack of legal grounds for local authorities to assess the suitability of home education and to be requiring visits with home educating families. These responses also expressed concerns that none of the proposed people would be suitably qualified or experienced in home education, and the wide range of teaching and learning approaches encompassed within home education. An independent panel was considered to be too intrusive.

This is seen to be a particular concern amongst those who are only have experience of traditional school-based education systems. At most, these responses reported that home educating families may wish to engage voluntarily with particular support agencies, but that this would be their choice. Roughly half of these responses went on to suggest suitable people to undertake the visits and assessment on the understanding that these should not be mandated.

“The question appears to presuppose the routine monitoring of home education arrangements. This expectation exceeds the law, and we are concerned that for a local authority to assume the task of routinely assessing the suitability of the educational provision in all home educating families, regardless of whether any concerns have been expressed, undermines the responsibility that parents bear for making decisions about their children’s education. It also involves an unnecessary drain on public resources.” (Third sector organisation)

Just over a third of all responses identified a key characteristic for any person or people conducting such visits; an excellent understanding and personal experience of home education, as well as the whole range of teaching and learning approaches which may be deployed.

Responses emphasised that those engaging with families must be suitably qualified, trained and experienced to truly understand the differences between school and home education. A suitable person would also understand the ethos and culture within the home, as well as the wide range of potential educational philosophies (such as Montessori, Steiner and unschooling). Home educators themselves are deemed well-placed to engage with other home educating families. Responses also noted that anyone conducting visits must also have an excellent grasp of the variety of needs amongst home educating children, for example in relation to additional learning needs.

“A suitably qualified Home Educator - someone who has experience, not just of professionalised mass-teaching methods, but of the actual real, lived experience of being a home educator themselves. This person could maybe work together with a qualified teaching expert.” (Individual)

Over a quarter of responses identified local authorities’ elective home education (EHE) officers as suitable people for undertaking visits and assessing the suitability of education; but responses also qualified this choice with clear requirements. While EHE officers are seen as better-placed than those who don’t specialise in home education (such as teachers within mainstream schooling), EHE officers must still meet particular criteria. This criteria includes the necessary understanding of home education and teaching and learning approaches identified above, as well as training to provide all the necessary support to home educating families (for example signposting to other services, support for children with additional learning needs and advanced training in safeguarding and welfare). EHE officers could also be trained teachers and/or previous home educators themselves.

“LA home education officers who have received appropriate training on what home education actually is or home education charities. Teachers are too focused on school standards.” (Home education organisation)

A little under a tenth of responses commented that a qualified teacher or similar education expert would be a suitable choice. Responses reported that a qualified teacher or similar would be best placed to assess suitability of home education in comparison with the national education system. Again, however, this choice was qualified with particular criteria on occasion, including that a teacher with experience or at least a strong grounding in home education would be required.

A little under a tenth of responses commented that a multi-agency or multi-specialist approach would be most appropriate. This approach could include an independent panel, but as this was seen as intimidating for home educating families, with the availability of a pool of support agencies being seen as more helpful in building a positive relationship with home educating families.

“It would be beneficial if the local authority convened an Independent Panel comprising of a range of professionals e.g. Education Social Workers, Teachers, Teaching Assistants – this would enable a holistic assessment to be undertaken for the child/young person. This would best be undertaken by a local authority officer with a knowledge of EHE.” (Local authority)

Differences in views between different respondent groups

Individuals, third sector organisations and home education organisations were more likely than other categories of respondents to express disagreement with the premise of mandating home visits. Local authorities, education stakeholders and safeguarding boards were slightly more likely than other groups to comment that a teacher or similar education expert should be involved in home visits. The need for a local authority EHE officer to be

involved and someone with experience and understanding of home education was raised by a variety of categories of respondent.

In your view, who else should input be sought from when the local authority is assessing the suitability of the education provision and why? For example, this could include (but is not limited to):

- educational psychologists
- a speech and language therapist
- other specialist professionals.

A total of 355 written responses were provided in response to this question. The analysis below is based on these responses.

Just over a third of responses indicated that no additional input should be sought from other types of professionals by default. Additional input may be sought if safeguarding concerns are raised, but otherwise either local authorities' EHE officers (or similar) should be able to make necessary judgements based on reports from parents rather than visits. Responses also expressed disagreement with the premise that local authorities should be assessing the suitability of education. In addition, input from specialists such as those listed in the question are not considered necessary to the assessment of education but should respond only to medical or wellbeing needs.

“An education report from the parents should be sufficient to assess suitability of education provision without input from other agencies just like the suitability of a school's provision is not measured against reports from the above mentioned agencies of all the children attending that school.”
(Individual)

A little over a quarter of responses indicated that a range of specialist, professional support should be made available for parents to voluntarily access. Responses considered that parents should retain responsibility for deciding which additional support their child may need and the local authority should facilitate this. Such professionals should therefore be available to support parents and their children, not to participate in assessing the suitability of education. A range of potential services was identified in these responses (such as psychologists, paediatricians, tutors, forest school leaders or occupational therapists) but the core consideration is that parents should have easy access to whatever support services they choose.

“If parents have allowed a visit this would depend on who they want input from. It should be the choice of the parents, not the local authority....However other agencies that parents might like to have involved might be: Paediatricians, Tutors, Activity group leaders (such as Scout leader), other Home Educators, Psychologists, Psychiatrists, GP etc.”
(Individual)

A little over a tenth of responses commented that multiple agencies should be available for local authorities to call upon as necessary on a case by case basis to meet the individual needs of each home educated child. The primary aim of this

additional input would be to address the individual needs of the child, rather than necessarily to assess suitability of education. Suggestions of potential professionals which should be available to provide input included education psychologists, speech and language professionals, counsellors and youth workers, education welfare officers and specialist ALN provision where required.

“The links to other agencies and professionals would need to be determined on an individual learner basis. For example, education psychologists and speech and language professionals would be needed where a child had specific needs. Links with counsellors and youth workers would also be required. Careers Wales advisors would also be integral partners. As part of the guidance, an expectation should be placed on other key agencies to provide support for children who are educated at home.”
(Local authority)

A little over a tenth of responses noted that specific input from specialists should be available, particularly various therapists, psychologists and those with expertise in supporting children with ALN. It was considered that this input wouldn't necessarily be provided by default but should be available to respond to particular additional needs identified by local authority EHE officers and/or parents.

A little over a tenth of responses raised concerns about the practical implementation of securing input from such professionals. Responses reported that public sector resources are currently insufficient to ensure access to professionals such as these for local authorities needing to assess the suitability of education across all home educating families. These responses emphasised that access to such professionals for any families (home educating or not) is already limited. Additionally, any professionals supporting the local authority in assessing the suitability of home education would need excellent training in, and understanding, of home education approaches.

“It is important to note that this would place additional workload upon local authority officers and would need to be resourced appropriately. In the context of the wider ALN reforms, this would add to the already anticipated significant impact upon the capacity of LAs to undertake their statutory duties in relation to learners with ALN and would, in turn, require additional funding. It would also have implications for the need to enhance the specialist workforce.” (Local authority)

Under a tenth of responses also commented that:

- A good, well-trained and suitable experienced EHE officer should be competent to make decisions on the suitability over home education without additional input.
- Additional input from the home education community and relevant charities would provide additional value to local authorities' work.

Differences in views between different respondent groups

Individuals and home education organisations were slightly more likely than other categories of respondent to comment that no additional input should be sought from other

types of professionals by default. Local authorities, education stakeholders and safeguarding boards were slightly more likely to comment that multiple agencies should be available for local authorities to call upon as necessary to meet the individual needs of each home educated child. Otherwise, themes were usually raised by a variety of respondent categories.

Do you have any other comments on this chapter?

A total of 170 written responses were provided in response to this question. The analysis below is based on these responses.

A little over a third of responses emphasised that the guidance in this chapter is likely to damage relationships between local authorities and home educators, rather than foster positive relationships. Responses described the tone of the guidance as adversarial and threatening, which is seen to contradict the guidance's suggestion that local authorities should develop a positive relationship with home educating families. Responses indicated that the guidance will not encourage home educators to trust local authorities when there is an element of "forcing" home educating families and their children to meet with local authorities and demonstrate suitability under threat of SAOs and further oversight.

"To summarise, I feel the guidance disempowers parents, undermines their parenting and uses threats to do so. How is this providing opportunities to develop positive relationships?" (Individual)

Over a quarter of responses indicated that the guidance in this chapter reflects too much intrusion into family life and oversteps legal boundaries. Responses expressed concern that the guidance is a disproportionate invasion of privacy and places an unreasonable expectation on families to allow local authorities access to their home life. This is seen to overstep legal boundaries by suggesting that local authorities have legal entitlements to meet with the families, meet with children and discriminate against home educating families by requiring more engagement than is asked of school-educated children and their families.

Under a fifth of responses commented that the guidance in this chapter shows a lack of understanding of home education approaches and adopts a discriminatory approach to engaging with home educating families. Responses expressed concern that the characteristics of suitable and efficient education do not account for the variety and methods of home education, which may not meet mainstream expectations in terms of producing work and focusing on alternative approaches such as unschooling. Responses reported that the guidance seems to wish to replicate a school environment at home and presupposes potential weaknesses in home education.

"4.28 mentioned LAs should ask to see examples of learning without clarifying what can be regarded as an example of learning. Considering that parents are not required by law to mark work or keep track of learning in the same way schools do, this is rather problematic especially where the parents choose a learning style significantly different from education provided at schools for philosophical and ethical reasons." (Individual)

Under a fifth of responses also commented that the guidance in this chapter will have a negative impact on home educated children. These responses reflected concerns raised under other consultation questions relating to the negative impact on children's wellbeing and mental health if required to engage with local authority officials.

Around a tenth of responses raised concerns that:

- The guidance creates a presumption that the education provided is not suitable, unless there is evidence to the contrary. This is seen to contradict the legal premise of assumption of innocence and instead, the Education Act 1996 only allows local authorities to reach a view that a child is not receiving a suitable education where there is positive evidence that this is the case.
- Responses expressed concerns about who exactly would make decisions on suitability of education, how it would be done consistently, how home education's alternative approaches could possibly be evidenced and how the suggested characteristics could possibly take into account the range of approaches used.
- The guidance is seen as disempowering to parents, limiting their parental rights to home educate according to their best judgement and knowledge of their child's needs.

A small minority (fewer than a tenth) of responses also raised additional themes including:

- Further detail is needed on how the guidance could be resourced and implemented consistently by local authorities. Responses expressed some concern that thought needs to be put into how local authorities will be expected to meet their new duties effectively.
- Specific amendments or additions are needed to the guidance, including amendments of working and such as details on how it would work in practice or additional suggested characteristics of suitable education.
- That mainstream education should be reviewed and improved before attention and resources are turned to home education.

“The guidance needs to be clearer and more details on how suitability assessments can be robust, consistent and who must be involved. How does a local authority accurately evidence that a child is receiving full time education suitable to age, ability, aptitude and SEN – this is not going to be simple to establish. The complexity of this will place significant time and resourcing pressures. How this will stand up in a legal framework is yet to be significantly tested.” (Safeguarding Board)

Differences in views between different respondent groups

Local authorities, health sector respondents, education stakeholders and safeguarding boards were slightly more likely than other categories of respondent to comment on: the need for further detail on how the guidance could be resourced and implemented; the need for specific amendments or additions to the guidance; and general support for the guidance and the positive impact it would have on children. Individuals and home education organisations were more likely to express the concerns raised above relating to intrusion into family life, lack of understanding of home education approaches, damage to the relationship between home educators and local authorities and the potential negative impact on children.

Question 5: school attendance orders and education supervision orders (chapter 4)

Is this chapter clear about local authority responsibilities to issue SAOs and ESOs?

Yes	No	Not sure
29% (108)	54% (201)	17% (62)

n= 371

In addition to the responses to the closed question (yes/no/not sure), 181 written responses were provided in response to this question. The analysis below is based on these responses.

It is worth noting in particular that a large proportion of responses did not directly answer the question and instead took the opportunity to express their views on the premise of issuing SAOs and ESOs. Themes outlined below include both direct answers to the question and other answers relating to the premise of issuing SAOs and ESOs. These themes are outlined below in order of frequency.

A third of responses specifically stated disagreement with the process of issuing SAOs and ESOs outlined in chapter 4 of the guidance, including the timescale of 15 days' notice in which parents are given to respond to local authorities' request to demonstrate that a suitable education is being provided. These responses often included further explanation as to the reasons for disagreeing with the process. The following themes encompass these reasons for these views.

A third of responses explained that it is reasonable to request that parents provide information evidencing that a suitable education is being received, but it is not reasonable to mandate a meeting with parents or children. Responses referred to the first line in paragraph 5.3 of the guidance document: 'The most obvious course of action is for local authorities to meet with the parents and home educated child regarding the education they are providing for their child.' Responses note that this is a misquotation of Phillips v Brown case law which states that "the most obvious step is to ask the parent for information." As such responses further explained that they disputed the process of local authorities mandating a meeting with parents and children.

"The education act 1996 s436a and existing precedent (Phillips v Brown), state that it is reasonable for the LA to request information from the parents rather than force a meeting as stated in the guidance." (Individual)

Just under a fifth of responses disputed the guidance to local authorities to conclude that the home education does not appear to be suitable if there is an absence of information suggesting that suitable education is being provided. It was suggested the conclusion that should be drawn is that suitable home education is being provided unless evidence to the contrary is obtained by the local authority.

“I feel it is a dangerous path to assume neglect or lack of provision unless we can provide evidence to the contrary. In what other walk of life do you assume guilt until proven innocent?” (Individual)

Over a tenth of responses outlined a lack of clarity in a number of areas within the guidance document, including:

- Local authorities’ responsibilities, including:
 - how local authorities should respond if they are unsure whether a child is receiving a suitable education.
 - how local authorities should respond if there are significant strengths to the education but some weaknesses that the family may be able to address with advice and support.
- Parental responsibilities.
- Processes involved in issuing SAOs and ESOs.
- Timings, including questions around what happens if a notice is served when an educational break is taking place.
- A lack of clear definitions for ‘suitable education’ and for a SAO and ESO.

In some cases, responses explain that this lack of clarity stems from wording which could be misinterpreted or cause confusion.

Just over a tenth of responses noted that the process of issuing SAOs and ESOs outlined in the guidance document does not align with current legislation. These responses specifically referred to the following points:

- Responses questioned the lawfulness of the proposed action of local authorities to issue SAOs as home educators are under no legal obligation to respond to reasonable requests from the local authority.
- Responses noted that there is no legislation that obligates parents to attend a meeting to enable the local authority to assess whether suitable education is being provided.

“This chapter suggests LA's should apply for SAO's when a parent refuses to meet them in person. There is no legislation or precedent that states that a parent must meet an education officer only that the parent should provide information regarding the education being provided. This can be done by producing an education report and does not need a face to face meeting.”
(Individual)

Around a tenth of responses specifically noted that local authorities’ responsibilities are clearly outlined within the chapter. Most of these responses did not provide further explanation for their answer. However, they do further state that they either do not agree with the premise of issuing SAOs and ESOs or that further guidance for parents is required.

“The detail here is very clearly established. What is perhaps missing and would be useful for parents would be examples of how the Welsh Assembly interpret the line from the Education Act: ‘If it appears to a local authority that a child of compulsory school age in their area is not receiving suitable

education...’ This could build on the examples given at 4.15-4.18 by giving examples of what ‘appears to a local authority’ means in practice.”
(Individual)

Just under a tenth of responses explained that the process of issuing SAOs and ESOs outlined in the guidance document contradicts the premise that local authorities should be working with and supporting home educators. Responses outlined that this collaborative working should include, for example, local authorities informing parents regarding any issues identified which may lead the local authority to consider education to be not suitable. If so, parents should be given sufficient time to make the required changes to the education that is being provided.

“I would like to see the document entirely reworded with a focus on trust in the parent’s ability to deliver a suitable education, and where it is brought to the attention of the LA that this may not be the case, a focus on supporting and collaborating with that parent, to avoid at all costs the imposition of an educational approach with which they and the child are not happy, or in the worst case any kind of prosecution.” (Individual)

Under a tenth of responses expressed the view that the process of issuing SAOs and ESOs outlined in the guidance document is intrusive and unnecessary. Within these responses, respondents used the phrases ‘threat of a SAO’ and ‘bullying’ to express how they perceived the described process. Furthermore, comments suggested that this issuing of SAOs and ESOs could potentially disrupt children’s education and home life and/or cause the child emotional, psychological and/or financial harm.

“A local authority should be able to assess the educational provision from a written report and should not try and force its way into people’s private lives. Private citizens and children should not be bullied with SAOs and ESOs.” (Individual)

Under a tenth of responses explained that families should be given more freedom and leeway to make their own choices about how their children are educated. These responses explain that parents know their child best and what is best for them and therefore it should be left up to the parent to decide the most suitable form of education for their child. Responses further noted that it is the parents’ responsibility to assess the suitability of education provided to their child and that issuing a SAO when parents do not provide evidence of suitable education undermines the rights of families.

“We may reserve the right to not respond because we retain the right to home educate as we see fit, free from external pressure or harassment.”
(Individual)

Differences in views between different respondent groups

Individuals, third sector organisations and home education organisations were more likely than other categories of respondent to express a disagreement with the process of issuing SAOs and ESOs. Local authorities and education stakeholders were more likely than other categories of respondents to note that local authorities' responsibilities are clearly set out within the chapter. Individuals, local authorities and third sector disputed the guidance to local authorities to conclude that home education does not appear to be suitable in the absence of information.

Is this chapter clear about the process to follow when issuing SAOs and ESOs?

Yes	No	Not sure
31% (109)	51% (182)	18% (64)

n= 355

In addition to the responses to the closed question (yes/no/not sure), 144 written responses were provided in response to this question. The analysis below is based on these responses.

Similarly to the first part of question 5, a large proportion of responses did not directly answer the question and instead took the opportunity to express their views on the premise of issuing SAOs and ESOs. Themes outlined below include both direct answers to the question and other answers relating to the premise of issuing SAOs and ESOs. These themes are outlined below in order of frequency. It should be noted that some of these themes are similar to those identified from responses to the first part of question 5.

Just under a third of responses specifically stated a disagreement with the process of issuing SAOs and ESOs outlined in chapter 4 of the guidance. Similar to the first part of question 5, responses included comments that the timescale of 15 days' notice in which parents are given to respond to local authorities' requests to demonstrate provision of suitable education is unreasonable.

A second prominent response was related to paragraph 5.15 in the guidance document. Responses disputed the premise of local authorities obtaining a cost order against a successful defendant. These responses argued that a litigant who succeeds in their case is entitled to seek a cost order; Therefore suggesting that if the court finds in favour of a parent that the local authority deems necessary to prosecute, it is the parent who could obtain a cost order against the local authority.

"I think you will find that in a court of law, if the authority chooses to prosecute the parents and the court finds in favour of the parents, it is the parents who are entitled to seek a costs order, not the failed litigant, namely the local authority." (Individual)

Under a fifth of responses outlined a lack of clarity in a number of areas within the guidance document (this is similar to the theme identified in the first part of question 5), including:

- Processes involved in issuing SAOs and ESOs

- Local authorities' responsibilities
- Timings, including questions around what happens if a notice is served when an educational break is taking place.
- A lack of clear definitions for suitable education'.
- Lack of clarity within the flow charts presented in Annex 1 of the guidance document.

In some cases, responses explain that this lack of clarity stems from wording which could be misinterpreted or cause confusion or misuse.

“There needs to be clear understanding of style of education and a clear explanation of what they deem as unsuitable. Otherwise the guidance is confusing.” (Individual)

“Overall the steps in the process are clear, however as stated previously the way that it is presented does not make it clear how exceptional a case must be for such processes to be initiated. The worry with how this is presented is that the guidance could be read that this is a standard process and should be routinely utilised and I’m sure this cannot be the intention.” (Individual)

Just over a tenth of responses noted that the guidance does not fully consider the needs of the child, with responses questioning how the processes outlined align with the UNCRC. These responses acknowledged the importance of considering what is best for the child and question whether the processes of issuing SAOs and ESOs outlined in the guidance document takes this into consideration. Responses further explained that for children who are school refusers, often due to suffering from bad experiences whilst attending school, forcing them to attend school, through issuing a SAO, could cause ‘serious harm’ to these children’s health (mental and/or physical).

“The best interests and views of the child are not mentioned, in spite of many children who are home educated being school refusers whose best interests cannot be served by being forced into school.” (Individual)

Just under a tenth of responses noted that the process of issuing SAOs and ESOs outlined in the guidance document does not align with current legislation. This is the same as the theme identified from responses to the first part of question 5. As noted above, responses specifically referred to the following points:

- Responses questioned the lawfulness of the proposed action of local authorities to issue SAOs as home educators are under no legal obligation to respond to reasonable requests from the local authority.
- Responses noted that there is no legislation that obligates parents to attend a meeting to enable the local authority to assess whether suitable education is being provided.

Further to the above theme, **over a tenth of responses identified misquotations of legislation within the guidance document.** An example comment provided from one response is presented below:

“Section 5.18 states “A local authority must under section 447 of the Education Act 1996 consider applying for an ESO before a decision to prosecute parents for poor attendance or failure to comply with an SAO is made”. Again, this misquotes the legislation in order to give subtle inference to the statement. The actual legislation states: “Before instituting proceedings for an offence under section 443 or 444, a local authority shall consider whether it would be appropriate (instead of or as well as instituting the proceedings) to apply for an education supervision order with respect to the child”. This misquotation is designed to coerce LAs into seeking ESOs where they might otherwise choose not to do so.” (Individual)

As was found with responses to the first part of question 5, **just under a tenth of responses explained that the process of issuing SAOs and ESOs outlined in the guidance document contradicts the premise that local authorities should be working with and supporting home educators.** Responses explain that issuing a SAO should be a last resort and that local authorities should work with parents to resolve any issues or concerns first. One response in particular stated that *“the chapter is unsupportive of home education as a legitimate choice.”*

Just under a tenth of responses argued that the guidance for local authorities over emphasises the use of SAOs and ESOs and thus appears to be an aggressive and threatening course of action. Responses explained that this over emphasis is coercive and seeks to manipulate home educating families into compliance and local authorities into issuing ESOs and SAOs unnecessarily.

“Some sensitive and competent local authority officials may choose to work with a family to avoid an SAO. This guidance makes no allowance for individual circumstances but rushes into threats of punishments if families do not fit the narrow criteria contained within.” (Individual)

Differences in views between different respondent groups

Individuals and home education organisations were more likely than other categories of respondent to note that the processes outlined in the guidance document does not align with current legislation and to acknowledge misquotations of legislation. Individuals and education stakeholders were more likely to note that the guidance does not fully consider the needs of the child. Most respondent categories outline a lack of clarity with various sections within the chapter. However, education stakeholders and local authorities were most likely to raise this issue compared with other categories of respondent.

Question 6: educational support (chapter 5)

This chapter considers the advice, information and support local authorities could make available to home educating families. Do you think this chapter is useful?

Yes	No	Not sure
34% (126)	41% (152)	25% (93)

n= 371

In addition to the responses to the closed question (yes/no/not sure), 235 written responses were provided in response to this question. The analysis below is based on these responses.

Just under a third of responses suggested the wording in section 6.1 should be changed to provide clarity that assistance from local authorities should be offered to home educators but that it is not mandatory for this assistance to be accepted.

Responses explained that the wording purports that it is mandatory for local authorities to assist and for home educators to accept this assistance. However, they also outline that it is home educators' right to choose whether they accept support from local authorities. Thus, responses suggested the wording should be changed to 'Local authorities are expected to assist home educating parents upon request'.

Just over a quarter of responses indicated that the chapter is lacking in the level and/or type of support that should be provided to home educators. The following areas of support were noted in the responses:

- Financial support towards areas such as exam fees or tutor fees. This was mainly expressed by individuals. Local authority responses suggested that once the decision to home educate is made, then the responsibility, including financial, lies with the parents.
- Better signposting to services for families and children, such as family information services, play services, counselling and advocacy services.
- Supporting home educators to teach children areas such as staying safe and healthy relationships.
- Provision available, such as those outlined in the case studies included in the chapter, should be adequately funded.

"I strongly believe that exam fees should be paid for by the state - it is shocking that HE children are not funded to take the exams, yet penalised if they do not." (Individual)

"This chapter could be enhanced by, for example, referencing family information services, services for children such as play services, and also counselling and advocacy services, which children and young people who are home-educated are entitled to access." (Education stakeholder)

A fifth of responses commented that access to local school-based and/or adult-based exam centres needs to be improved. Responses outlined poor access to exam centres, with home educated children often having to travel a considerable distance as being the main barrier to enabling home educated children to undertake exams. Responses therefore

suggested that local authorities should facilitate better access through encouraging more schools to open their exam centres up to external candidates.

“Local authority facilitation of access to exam centres would be greatly appreciated, since in some areas travelling considerable distances is required, and costs can be high. It would be better if local authorities encouraged schools or EOTAS centres to take on home-educated children for exams, rather than PRUs.” (Individual)

Further to the theme of improving access to exam centres, **over a tenth of responses noted that PRUs are not usually appropriate venues for home educated children to take exams.** Some of these responses further explained that a PRU may be a disruptive environment for home educated children to undertake exams. Others raised concerns with have a PRU named as the exam centre on home educated children’s examination certificate.

Just over a tenth of responses expressed scepticism towards local authorities and the proposed support outlined in this chapter. Responses suggested a pre-established underlying lack of trust in local authorities and, in many cases, this is what has led families to decide to home educate their children in the first instance. Responses questioned whether local authorities motive to provide support to home educating families was to ‘*check up on families*’. These responses further explained how they find this notion of support as a ‘guise for checking up on families’ an imposition and intrusion.

“Personally, I would prefer not to accept any support from the LA, as it will invariably come with strings attached, and the point of home education is to remove our child from state school system, and be completely responsible for their education.” (Individual)

Just under a tenth of responses noted that the home educating community already provides a considerable amount of support for home educators, which was considered more useful than support local authorities may offer. Responses explained that the home educating community, including groups and charities, is a large support network which is readily available and considerably experienced to offer support, which is particularly useful for families new to home education. Responses suggest that local authorities could signpost home educating families to this support.

“The community is large and support and resources are shared very well across it both online and by a wide range of local and national events and learning opportunities.” (individual)

Under a tenth of responses criticised the language use within this chapter, explaining it gives the impression that local authorities are not obligated to provide this support to home educating families as it does not place a mandatory duty upon them. Responses further suggested to replace the word ‘should’ when instructing local authorities to provide support, with ‘must’. This change in wording would ensure local authorities’

statutory duty to provide support to home educating families who request this support to be more clearly communicated within the guidance.

“Too much of the language in this chapter is that of options and choices, rather than statutory responsibilities, being given to local authorities (e.g. in section 6.4, it is not incumbent on, merely vaguely desirable that a local authority should ensure that front-line staff are supportive of the right of a parent to choose home education: in section 6.6, it's stated that home-educated children 'should' - not 'must' - have access to the same range of support services as would be available to school-educated children).”
(Individual)

A small minority (fewer than a tenth) of responses also raised additional themes including:

- All representatives of local authorities dealing with home educating families must understand the right of a parent to choose home education.
- The case studies provide helpful examples.
- Support outlined is good, but it is questionable as to whether it will materialise.
- The chapter needs to be regularly reviewed particularly with regards to ensuring the case studies are current.
- Issues raised with the section relating to flexi-schooling, including appearing to privilege school over home-based education and the suggestion that flexi-schooling causes attendance issues for schools.
- There is a lack of information/guidance for home educators.
- Home educating parents should have the freedom to choose where they seek support.
- Local authorities are not required to provide support to home educating families.
- The chapter promotes rights of the child well.

Differences in views between different respondent groups

Individuals, third sector and home education organisations were more likely than other categories to suggest that the wording in section 6.1 should be changed to provide clarity that assistance from local authorities should be offered only upon request from home educators. Local authorities and education stakeholders were more likely than other categories of respondent to note that the case studies outlined within the chapter provide helpful examples of support. Otherwise, there was no obvious pattern identified among respondent groups and the themes raised.

Question 7: safeguarding (chapter 6)

This chapter outlines existing safeguarding duties that apply to local authorities. Whilst there is no proven correlation between home education and safeguarding, specific safeguarding duties apply to all children regardless of how they receive their education. Do you think this chapter is useful?

Yes	No	Not sure
23% (86)	62% (235)	16% (60)

n= 381

In addition to the responses to the closed question (yes/no/not sure), 249 written responses were provided in response to this question. The analysis below is based on these responses.

Over half of the responses were of the opinion that although the chapter acknowledges that there is no correlation between home education and safeguarding, the tone of the rest of chapter implies a link between home education and safeguarding. Responses explain how the language used within the chapter is ‘threatening’, ‘misleading’ and ‘likely to encourage individuals to think there is a correlation between home education and safeguarding when one has not been proven to exist.’ Furthermore, these responses suggest that by including a chapter on safeguarding within a home education guidance document implies a connection between the two.

“Despite saying that home educated children are not at greater risk of neglect or abuse, the whole section implies that this is in fact the case and that every single home educated child should be viewed as vulnerable. This is outrageous and firmly puts the authorities in a role of having to protect children from their own parents as a matter of course, which is simply not acceptable.” (Individual)

Just under a third of responses commented that home educated children are at less risk and that school children are at more risk of, or suffering harm. Many of these responses make reference to research findings, noting that this research found that the proportion of teaching staff abusing children was greater than the proportion of home educated children found to be at risk of, or suffering significant harm. Responses further consider that too much bullying goes unnoticed in schools and according to responses, these safeguarding issues within schools often led to parents’ decision to home educate their child.

Over a quarter of responses suggested that the chapter incorrectly implies that home educated children are neither seen nor heard. These responses argue that home educated children are often more visible within their community (attending community groups, libraries etc.) and seen by professionals (e.g. doctors and dentists) and have just as good, if not better, social skills than school attending children.

“Home educated children are not socially isolated. Their day to day activities bring them into contact with a broad range of both adults and

children from all walks of life. Home educated children are seen by dentists, opticians and doctors, they visit libraries, take part in organised group activities alongside their schooled peers (e.g. sports activities or scouts), all of which involve adults with safe-guarding responsibilities.”
(Individual)

Just under a tenth of responses emphasized that gaining access to children without parental consent requires a court order. These responses referred to section 7.17 within the guidance document: "these enquiries can include taking steps to gain access to the child." Responses argue how this statement is inaccurate as without parental consent, access to a child can only be gained with a court order.

“7.17: 'These enquiries can include taking steps to gain access to the child'. This is factually inaccurate, as the enquiries may not include steps to gain access to a child in the face of lack of consent by a parent, only a court application can do so, as the test for seeking to access the child without consent would not be met.” (Individual)

Under a tenth of responses were of the opinion that safeguarding is the responsibility of health and social services more so that local authorities. These responses argue that there is already a system in place to ensure safeguarding of all children and that this does not come under the duty of the local authority. To improve this system, more social workers are required so that they have more manageable caseloads.

A small minority (fewer than a tenth) of responses also raised additional themes including:

- Safeguarding is an important consideration and thus the chapter is important and useful. However, due to the importance of safeguarding, responses suggested to replace the words 'should' with 'must'.
- Encouraging the use of safeguarding powers to get access to home-educated children is 'underhanded'.
- Lack of evidence about a child's education does not constitute reasonable cause to suspect significant harm.
- Reference to the All Wales Safeguarding Procedures and the All Wales practice guide within the chapter is welcomed. However, Article 19, a child's right to be safe and protected from violence, abuse and neglect, should be included.
- There is an incorrect assumption that local authorities know what is best for all children.
- Educational needs should not be mixed up with children's health and wellbeing.
- The law already provides the power to act should there be any safeguarding concerns.
- Parents are best placed to safeguard their children.
- The chapter clearly outlines the system in place to deal with safeguarding concerns.
- The language of the guidance should be more supportive of home educating parents', and their children's, rights.
- Within the chapter, there should be a reference to the NISB (National Independent Safeguarding Board Wales).

- Suggestion of a requirement that children who are home educated are given an external contact person who is their dedicated safeguarding contact.

Differences in views between different respondent groups

Individuals, third sector and home education organisations were more likely than other categories of respondent to suggest that the chapter incorrectly implies a correlation between home education and safeguarding. Individuals were also more likely to note that the chapter incorrectly implies that home educated children are neither seen nor heard; that home educated children are at less risk of, or suffering harm than school children; and to emphasize that gaining access to children without parental consent requires a court order.

Local authorities, health sector organisations and safeguarding boards were more likely than other categories of respondents to express the importance of safeguarding and to note the usefulness of the chapter. Education stakeholders and safeguarding boards were more likely to acknowledge the appropriate reference to the All Wales Safeguarding Procedures and the All Wales practice guide and to suggest that the chapter make reference to other policies and legislation relating to safeguarding and the rights of the child. Local authorities and safeguarding boards were more likely than other categories of respondents to suggest that the chapter needs to include more details of practical application to guide local authorities.

Question 8: handbook for home educators

This handbook provides information for those who are or are considering educating their child at home. Is there anything else you think should be included?

Yes	No	Not sure
39% (141)	32% 116	28% (101)

n= 358

Caution must be exercised when interpreting the number of 'yes', 'no' and 'not sure' responses as some of the respondents who answered 'no' then provided comments which included suggestions of other elements which could be included within the handbook.

In addition to the responses to the closed question (yes/no/not sure), 219 written responses were provided in response to this question. The analysis below is based on these responses.

A quarter of responses expressed disagreement with the tone of the handbook.

These responses were of the view that the handbook is 'patronising', 'insulting' and 'threatening' toward home educators. Some of these responses interpreted the tone of the handbook as an attempt to intimidate parents and dissuade them from home education.

"The Handbook was described to home educating families prior to publication, as a useful book of resources and welcomed as such. Instead, it is a patronising document which gives some information about some services. It is a further example of damaging relationships with home-educating families by showing a lack of understanding and respect for the amazing work these families do and by labelling home-educators as being under suspicion of being child abusers until proven otherwise." (Individual)

"The handbook sounds authoritarian, threatening and coercive. It is not at all home education friendly. You will drive more people away from schools with the tone of it." (Individual)

Just over a fifth of responses noted that the handbook needs to include more details on the legal rights of home educating families (including both parents and children) and the legal responsibilities of local authorities. These responses reference, for example, the legal right of families to privacy, the UNCRC and local authority policies. Responses suggested the handbook should include details of the relevant current legislation, how it should be adhered to and what procedures are in place for when local authorities overstep their duties.

The parent's rights and the LA's rights are not set out clearly and transparently. There is no mention of UNCRC Article 16 or Article 14 in the 'rights of the child' section or children's commissioner section (which quotes other UNCRC articles) - and these are key articles for parents / children to

A fifth of responses indicated that elements of the handbook lack clarity and/or information. These responses provided specific examples of aspects of the handbook that require further clarification and/or information. Some of these examples are listed below:

- Clarification of timeline with reference to section 2.14 within the handbook.
- Defining the reasonable steps referred to in section 2.16.
- The lack of inclusion of key websites useful for home education.
- The lack of inclusion of links to Welsh-based websites for information, resources and support for home educating families – Responses noted that many of the links included within the handbook are for England-based websites.
- Resources referred to in the handbook are more school orientated and less suitable for home education.
- Clarification of local authorities' and home educating families' rights.
- Further guidance around what is meant by 'full-time' and 'efficient' education in section 1 of the handbook.
- Lack of information about the provision of support or extra help if the local authority deems the education unsuitable
- More clarity on what the term home educating does and does not include.

It is important to note that responses provided a wide variety of comments relating to specific examples of how the handbook lacks clarity/information. Therefore, the above list provides examples rather than an all-encompassing list of suggested areas of further clarity/information.

“This document does not provide enough useful information for anyone thinking of HE. There are parts that are wholly untrue, in places watered down and condescending, failing to achieve what it has set out to do. There are no links to HE communities, support groups websites or other known resources, the rights and responsibilities have not been properly laid out in an easy to understand fashion.” (Individual)

“Further guidance for parents on what full time and efficient looks like some examples/ case studies with evidence would be useful as this is often the most frequent question asked.” (Local authority)

Further to the above theme, **under a fifth of responses noted that they would welcome the inclusion within the handbook of information about how to access resources and assistance.** These responses provided specific examples for inclusion within the handbook, such as:

- Where to obtain educational materials
- Details of home education charities and how they can be accessed.
- List of exam centres and the cost of exams
- How to access local and national home education groups (e.g. Facebook groups)
- How to gain assistance for ALN.
- Include a contact number for the 7 Health Boards to signpost parents to the School Nursing Service for their area.

“Again with so much of the guidance, there is a neglect to mention the home education charities supporting home educators. In this handbook whilst you have mentioned two England based charities that provide no support in Wales, you have failed to mention the Wales-based charities. This would be helpful for Welsh families as well as LAs in identifying where to signpost Welsh families for support.” (Home education organisation)

“There's many resources that aren't included that are used by many home educators, all of which should be included. Reading Eggs, Conquer Maths, Coursera, FutureLearn, The Kahn Academy are all based online and very useful. The Beavers and Scouts are great organisations where there's an opportunity for extra socialisation.” (Individual)

Just under a fifth of responses suggested that the handbook should signpost individuals to home education community groups. These responses acknowledged the wealth of advice, support and information that the experienced home educating community has to offer. Accessing this community could be most useful for families new to home education. Responses noted that this signposting within the handbook should include details of home education groups, how to access them and encouragement for home educators to join their local group. Some of these responses further explain that accessing home education groups is significantly more useful than the information provided within the handbook.

“There is a vast network of home educating families throughout the UK, which can provide a wealth of advice, support and information. Why are these not signposted?” (Individual)

Over a tenth of responses noted that there are inaccuracies within the handbook, with particular reference to inconsistencies between the handbook and the guidance document for local authorities. Similar to comments to previous questions within the consultation relating to the guidance for local authorities, responses considered that these inaccuracies mainly stem from misrepresentation of legislation:

“Like the draft guidance, it misrepresents the law, for example by stating that it is “it is not unreasonable for the local authority to see and speak with the child” to help satisfy itself as to the suitability of the education provided, and omits to make clear that this is not in fact mandated.” (Individual)

“There are inconsistencies between the LA & HE handbook/guidelines. That means straight away they'd be working from a different set of guidelines leading to unnecessary misunderstandings.” (Individual)

Just under a tenth of responses commented that the handbook should have been written either by, or with significant input from, home educators or by a body that represents home educators. These responses explained that the handbook appears to be

written by an individual/individuals with a lack of understanding and experience of home education. As such, the handbook provides a misrepresentation of the home education community and is unhelpful in providing guidance for home educators. Responses therefore suggest that a more useful and accurate handbook could be produced either by, or with significant input from the home education community, with first-hand experience of the matter.

“The tone of the handbook is problematic. Much advice is purely opinion. There rights mentioned are selective and fail to mention rights to family life, freedom of association and privacy, all of which are threatened under this guidance. Parents should know that there is no legal imperative to accept meetings and that children can refuse and have their voice heard through their parents or guardians. Such a handbook should be written by home educators not by government employees.” (Individual)

Under a tenth of responses suggested practical information and advice that should be included within the handbook but currently is not. Examples of this practical information/advice include:

- Information about how to appeal.
- Information about statements for ALN and the local authorities’ responsibilities in relation to this.
- Information about organisation that offer discounts to home educators (e.g. National Trust, zoos and museums).
- Advice relating to the importance of play for children’s development.

“As previously mentioned many children home educated have ALN. I think knowledge of statements and the local authorities’ responsibilities should be included for those considering home education because of their child's disability.” (Individual)

“Whilst there is reference in 4.32/4.33 about local authority play services this does not cover children’s right to play or the importance of play throughout children’s day as an important opportunity for learning, socialisation and physical activity. Parents need to be encouraged and reassured that providing time for children to play is an important part of children’s lives and that this should happen spontaneously throughout the day – especially for younger children.” (Third sector organisation)

A small minority (fewer than a tenth) of responses also raised additional themes including:

- The handbook is not useful to home educating families
- Public bodies need to improve their communication with home educating families
- The handbook is useful and comprehensive
- The handbook is not needed as home educators are better supported by the home educating community
- The handbook needs to include more information on the types of home schooling
- The handbook should include more details about the role of home educating parents

- The handbook is biased towards a school-based type of education.

Differences in views between different respondent groups

Individuals, third sector and home education organisations were more likely than other categories of respondent to expressed disagreement with the tone of the handbook. Individuals were also more likely to suggest that the handbook should signpost to home education community groups and should be written with significant input from home educators.

Question 9: handbook for home educators

Whilst we acknowledge that flexi-schooling is not home education, we are aware that some home educators would welcome information on what it is. Do you think this information (see sections 6.15–6.19 in the statutory guidance and 1.20–1.21 in the handbook) is useful?

Yes	No	Not sure
36% (130)	38% (135)	26% (95)

n= 360

In addition to the responses to the closed question (yes/no/not sure), 177 written responses were provided in response to this question. The analysis below is based on these responses.

Just under half of responses were of the opinion that flexi-schooling and home education are two separate issues and therefore the section on flexi-schooling should not be included within this handbook for home educators. Although these responses suggested that this section on flexi-schooling should not be included, some additionally noted that access to information on flexi-school is useful and so this handbook should refer to a separate guidance document specifically for flexi-schooling.

Just under a quarter of responses either questioned whether schools would welcome flexi-schooling, or simply stated that many schools do not offer flexi-schooling arrangements. These responses suggested that flexi-schooling should be more accessible. This could be done by ensuring that all schools make the option of flexi-schooling arrangements available, rather than it being left to the discretion of the head teacher. Some of these responses noted that until this issue is addressed, including information on flexi-schooling in the handbook is unhelpfully suggesting this option is readily available to families when it is not.

"It's helpful to have information about flexi-schooling, but few head teachers in Wales are prepared to allow it, so it can be somewhat frustrating to know the details but be prevented from doing it." (Individual)

Just under a tenth of responses noted that more clarification / information is required within this section on flexi-schooling. Examples of areas where clarification/more information could be provided, as suggested by responses, include:

- Information on the benefits of flexi-schooling.
- Whether elective home education officers would be involved in flexi-schooling cases.
- An outline of the challenges related to arranging flexi-schooling.
- Clarifying that flexi-schooling is different to home education and the importance of maintaining a continued partnership and agreement with the school.
- Section should include a link to more detailed information.
- More information relating to the processes involved in organising and maintaining a flexi-schooling arrangement.

“6.15 - 6.19 - this is really positive. Is it still going to be the headteachers/governors’ decision? Will the EHE officer get involved in flexi schooling cases?” (Individual)

“It does not give enough information about the decision making process, what should be taken into account / timescales etc. Additionally, whether or not schools / LAs can refuse requests and whether or not parents can appeal.” (Local authority)

Just under a tenth of responses suggested that more support for flexi-schooling is required for both parents and headteachers/schools. For example, a few responses suggested that there should be a framework for headteacher to use when deciding whether to offer a flexi-schooling arrangement. Other responses suggested that it would be helpful to provide clarity about how attendance and performance would impact on formal evaluations for schools.

“Perhaps investing more energy in supporting schools to offer flexi schooling would be a more constructive way to make this option available to families. It is not just home educators who may welcome information on flexi-schooling” (Individual)

Under a tenth of responses commented that flexi-schooling can be problematic for schools’ attendance records. Responses suggested that concerns around how flexi-schooling could affect schools’ attendance records is the main barrier to headteachers/schools agreeing to flexi-schooling arrangements.

Further to the above theme, **under a tenth of responses suggested solutions to headteachers’ concerns.** These responses suggested that the attendance codes should be updated to include a flexi-schooling code. It was suggested that this may encourage schools to offer flexi-schooling without this having a detrimental effect on their attendance data.

“We do think that in order for schools to be more agreeable to flexi-schooling, Welsh Government should consider implementing a flexi-schooling attendance code so that non-attendance does not impact on whole school attendance.” (Local authority)

A small minority (fewer than a tenth) of responses also raised additional themes including:

- Outlining the benefits of flexi-schooling
- The section is informative and useful
- Some local authorities do not allow schools to offer flexi-schooling arrangements even when schools/head teachers would welcome it
- The best interests of the child should be considered in this section
- There is a need to increase awareness and understanding of flexi-schooling amongst schools/head teachers

- The education system leaves little flexibility for schools/head teachers to offer flexi-schooling

Differences in views between different respondent groups

Individuals and home education organisations were more likely than other categories of respondent to express the opinion that flexi-schooling and home education are two separate issues and therefore should not be include within the handbook for home educators. Otherwise, there was no obvious pattern identified among respondent groups and the themes raised.

Question 10: Welsh language

We would like to know your views on the effects that statutory guidance for local authorities regarding home education would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

In total, 214 written responses were provided in response to this question. The analysis below is based on these responses.

Just over a quarter of responses mentioned the importance of families being able to decide on the languages taught as part of their child's home education. Some of these noted that the Welsh language should not be mandated in home education, while others felt that the guidance should not refer to the medium of education at all.

“While I am all for teaching a child another language I think it should be up to the individual.” (Individual)

“I don't think Welsh language should be mandatory for home education families and it should be a choice.” (Home educator)

The need for **improving the availability of Welsh language provision and support** for home educators was mentioned in just under a quarter of responses. A desire for free, or subsidised, Welsh language lessons for home educators and/or children was expressed in many of these responses, with some suggesting possible approaches for this (e.g. family learning, online tuition). Suggestions included:

- Welsh language tuition being delivered by local authorities, or others, for home educators and their children;
- subsidising access to other Welsh language learning (e.g. Say Something in Welsh);
- establishing mentoring schemes or networks to create links between Welsh-speaking home educators and those who do not speak Welsh.

“Possible subsidised lessons for all ages in the Welsh language and/or perhaps a mentor scheme to pair up Welsh speaking home educated people with those who wish to learn. This would mean encouraging many skills at the same time for both the mentor and the mentored as well as fostering the idea of the importance of the Welsh language.” (Individual)

Related to the above, **a small minority (under a tenth) of responses mentioned the need for better advice, support or Welsh language learning resources** or materials that could be used by home educators. A small minority of responses mentioned the need for greater consultation between local authorities and home educators in relation to Welsh language provision with a few noting that many home educators would welcome additional provision, advice and support.

Just over a tenth of responses noted that the proposals would have no impact, while a small minority (fewer than a tenth) of responses felt the proposals would have a negative impact on the Welsh language.

A small minority (fewer than a tenth) of responses included comments on the content of the draft guidance and handbook in relation to the Welsh language. Of this small minority, most expressed positive views on the content of the handbook while a few suggested specific amendments to it and a minority expressed negative comments.

A small minority (fewer than a tenth) of responses also raised additional themes including:

- Explicitly noting they had no comment or were unsure of their view;
- That this question was not relevant to home education;
- That the Welsh language should be a mandatory part of home education;
- That home education was beneficial to the Welsh language;
- The importance of Welsh culture as well as the language, in education;
- Negative views on their experiences of Welsh-medium education or the Welsh language in general.
- The availability (or lack of availability) of opportunities to use the Welsh language in the community.

Differences in views between different respondent groups

Individuals were more likely than other categories of respondent to express the opinion that parents and children should decide on the languages taught as part of home education. Otherwise, there was no obvious pattern identified among respondent groups and the themes raised.

Question 11: Welsh language

Please also explain how you believe the proposed policy could be formulated or changed so as to have:

- iii) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.
- iv) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

In total, 152 written responses were provided in response to this question. The analysis below is based on these responses.

The most commonly raised theme among responses was the need for **improved access to Welsh language educational provision for home educators and their children**. This was mentioned in just under a quarter of responses. A small minority of these respondents referred to the possibility of allowing home educated children to attend Welsh language immersion provision.

“Provide opportunities for children to learn Welsh. Open up the 6-week pre-school course for HE children that you offer to children who move into the area before they start school!!” (Individual)

Under a fifth of responses referred to the **importance of parental choice in relation to the languages taught in home education**. These included responses that expressed the view that the Welsh language should not be a mandatory part of home education.

“I personally have found it very difficult to find good, fun and interesting resources for my children to develop Welsh as a second language, compared to the fantastic resources available for other second languages. Access to great learning resources is always welcome, including to learning Welsh... ..However, the choice of which additional languages a child learns (or doesn't learn) should be the parent's not the state's.” (Individual)

Over a tenth of respondents responses explicitly stated they had **no comment to make or were unsure** of their view on this question. A tenth of responses noted that the question was **not relevant** to home education.

A small minority (fewer than a tenth) of responses included comments on the content of the guidance or handbook. A few of these proposed specific amendments that respondents felt should be made to the guidance or handbook.

“The development of Welsh language skills should be included in the characteristics of a suitable and effective education in Wales.” (Local authority)

A small minority (fewer than a tenth) of responses raised additional themes including:

- That the handbook and guidance should be available bilingually and accessible formats;
- A need to improve the availability of advice, support and resources for home educators in relation to the Welsh language;
- The need for improved consultation and interaction between home educators and local authorities in relation to the Welsh language;
- The availability (or lack of availability) of opportunities to use the Welsh language in the community.

Differences in views between different respondent groups

Individuals were more likely than other categories of respondent to express the opinion that parents and children should decide on the languages taught as part of home education. Otherwise, there was no obvious pattern identified among respondent groups and the themes raised.

Question 12: related issues

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

In total, 211 written responses were provided in response to this question. The analysis below is based on these responses. Almost all of those who provided additional comments took the opportunity to express either criticism of the consultation process in general terms, or disagreement with specific proposals included in the proposed Statutory Guidance for Local Authorities and Handbook for Home Educators.

Around a third of responses voiced general criticism of the consultation. Respondents felt that the ‘draconian’ nature of the proposals that put home educators and children under unnecessary scrutiny. Responses felt that the consultation had missed an opportunity to build a positive and respectful relationship with the home education community.

“Sadly, some of the questions on this survey were worded poorly. Why did you sometimes only ask if the guidance was ‘clear’ and not if we felt it was appropriate?” (Individual)

Responses also noted that the information in the consultation revealed a lack of understanding of how home education is delivered. In particular, several responses referred to inaccuracies in the flow-charts that accompany the guidance.

In a similar vein, a quarter of responses expressed the view that the consultation documentation stigmatises home educating families and their children. Responses felt that the tone of the documentation creates an adversarial attitude between local authorities and home educators.

“Engaging with home educating families can only happen in a meaningful way if there is an environment of mutual trust and respect. These documents still imply that somehow an official knows what is best for the child, and not the parents. It is patronising, discriminatory, and many of the requirements have no basis in law.” (Home education organisation)

A fifth of responses argued that the proposals set out in the consultation represent excessive interference and over-reach by the Welsh Government. The proposals were viewed as ‘unnecessary intrusion’ intrusion by many individuals who felt that no justification was provided for the “levels of state intervention and violation of rights”. It was argued that children could not be compelled to be interviewed by local authority officers and that a parent “must not be compelled to insist it occur unless under the authority of the court”.

A fifth of responses also voiced criticism of specific elements of the proposals, in particular:

- It was felt that the pre-visit template for children is inappropriate: responses noted that asking young children about their education and future education plans was described as “unacceptable” for children aged 5 years and “hugely stressful”.

- Responses voiced opposition to a compulsory register to be maintained by local authorities.

A tenth of responses referred to perceived problems and inadequacies of the school system. These respondents suggested that a range of problems – including quality of education, behaviour and safeguarding – are driving parents away from mainstream schooling.

“The Welsh Government should be focusing on their education system, on ensuring all schools are outstanding, that children are safe in school with their well-being of most importance. These are the main reasons home educators chose to educate their children. They do not believe that their child's safety can be guaranteed at school.” (Individual)

A tenth of responses also voiced concerns regarding local authorities’ resources, capacity and expertise to be able to deliver the proposals set out in the consultation documents. These responses questioned whether local authority officers would have experience of home education or will have access to training to enable them to evaluate the suitability of home education.

Responses also referred to the additional costs associated with the statutory responsibilities placed on local authorities under the proposals, particularly at a time when resources and capacity are under increasing pressure.

Just under a tenth of responses raised issues relating to home education for learners with additional learning needs. Some felt that the consultation does not give sufficient attention to the issues arising from changes through the Additional Learning Needs and Education Tribunal (Wales) Act.

Responses also questioned whether the Welsh Government would be providing additional financial resources to local authorities to support the requirement for greater engagement with EHE learners who have additional learning needs. Proposals for interviews with children were also the subject of concern by respondents, who questioned whether this was appropriate for home educated learners with additional learning needs.

“A key area of concern is that the document does not give sufficient weight to ALN Code and the changes that will bring for LA in respect of EHE learners. This will need to be addressed for the Guidance to be a useful working document for both LA and parents.” (Local authority)

“SEN are not properly taken into account, especially when talking about mandatory interviews with children. Some children are not able to express their views appropriately (E.g. a 5 year old), others will feel anxious and refuse to talk. Some might agree with a statement made by the officer and not understand, or agree as they want the person to go away quickly (children with ASD often like to please other people or follow them to be left alone quickly).” (Individual)

Around a tenth of responses felt that the consultation proposals should have included information on how complaints would be addressed. Responses noted that parents should be able to turn to an independent appeal or arbitration body should they wish to complain about local authorities' decisions or actions.

“...there needs to be some way to appeal a decision if the family deems it unfair, unlawful or exerted by someone who doesn't seem to have the correct training. There needs to be an independent body or person that can weigh in when there is disagreement.” (Individual)

Differences in views between different respondent groups

Individuals were more likely than other categories of respondent to voice criticism of the consultation. A higher proportion of individual respondents and home education organisations also noted that the proposals represent too much interference and stigmatise home education.

Additional comments raised by respondents

As noted in section 1.2 of this report, 52 responses to the consultation were submitted via email, in Word or PDF form, and one was received in paper form (rather than online directly following the structure of the consultation questions). Of these, eight responses provided wider narrative surrounding the consultation and/or education and children's rights to education (in addition to any commentary directly relating to consultation questions). This section provides a summary of the key themes raised within this wider narrative.

A total of five responses provided detail on their organisation's objectives and/or the nature of the work they undertake. These commentaries frame the remainder of their response, clarifying how their own work relates to education and children's rights to education and noting, where relevant, any particular groups of people they support or campaign on their behalf. This detail, therefore, provides an indication of any particular expertise the organisation has in relation to education and children's rights to an education.

Many of the themes identified within these responses have been outlined within previous sections of this report. The analysis below includes additional themes identified within these responses.

Four responses explained the importance of the rights of children to an appropriate education. These responses noted that the guidance generally takes a children-focused approach. However, it was suggested that the guidance could further this stance by taking better account of the relevance of Article 29 of the UNCRC which sets out the aims of education, as well as Article 14 (rights and duties of parents) and Article 16 (prohibition on interference with privacy and home).

“Overall, we feel that the draft statutory guidance for local authorities on home education takes a child-focused approach and ensures that local authorities can take appropriate action to identify children who are not registered at school and who are not receiving suitable education.”
(Education Stakeholder)

One response raised concerns that there would be a resource implication in terms of local authorities' duty, as outlined within the guidance document, to assess the efficiency and suitability of education and that this expectation has not been fully assessed in terms of the resources available.

Two responses referred to the Children's Commissioner's three tests:

- Firstly, that all children in Wales can be accounted for and that none slip under the radar of universal services, and society in general;
- Secondly, that every child receives a suitable education and their other human rights including health, care and safety; and
- This cannot be achieved without the third aim, that every child should have the opportunity to be seen and their views, including their views about their education, and experiences listened to.

These responses noted that the guidance begins to address these tests, but it would need to go further to ensure these aims are realised. For example, it was highlighted that the guidance will make it more likely for local authorities to identify children not receiving

education. However, due to a lack of alignment between current statutory tools and the current policy aim of seeing children, it was considered that local authorities do not have means to ensure a request to meet a child is met with compliance from the family. It was also suggested that a graduated response should be considered to the issuing of SAOs in order to enable supportive relationships between local authorities and families to develop.

One response provided a narrative around how a move to transfer guardianship and educational responsibility for all children from parents to the state violates the *'unwritten social contract by which governments govern'*.

Among the eight responses that provided wider narrative surrounding the consultation and/or education and children's rights to education, suggestions of areas where the guidance could be strengthened were outlined, including, for example:

- Providing more explicit guidance on how local authorities should promote access to wider support services for children and young people;
- Greater clarity in relation to the responsibilities of schools and local authorities regarding flexi-schooling.