

Home Education

Statutory Guidance for Local Authorities



Llywodraeth Cymru
Welsh Government



Introduction

The Welsh Government want all children to have the right skills to face a changing world. A good education is an important part of that.

The local authority has to make sure that all children in their area receive a suitable education. This includes children who are home educated.

This guidance sets out the roles and responsibilities of local authorities.



Rights

All children have the right to an education. In Wales education is compulsory but attending school is not.

Parents' rights

Parents can choose to home educate their children.

Article 2 of the European Convention on Human Rights says the wishes of parents are important and should be respected.

Children's rights

In Wales, children's rights are protected in law, and at the centre of everything we do.

The United Nations Convention on the Rights of the Child. (UNCRC) sets out:

- **Children have the right to an education.** Article 28
- **Children have the right to be involved in decisions that affect their lives.** Article 12
- **Adults must think about how their decisions will affect children and do what is best for the child.** Article 3

The local authority should protect children's rights. They must make sure every child in their area is getting a suitable education.

The law

There are laws in Wales that make sure all children are protected and get an education.

What parents must do

Parents of school age children must make sure they get an efficient, suitable, full-time education. This can happen by attending school or otherwise. This education must be right for:

- their age, ability, aptitude
- any special needs they have

The Education Act

What must happen to support children with special needs

The name of a child who is registered at a special school shall not be removed from the admission register without the consent of that authority, or if that authority refuses to give consent, without a direction of the Welsh Ministers.

The Education (Pupil Registration) (Wales)

Regulations 2010

What the local authority must do

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

- are not registered pupils at a school
- are not receiving suitable education otherwise than at a school

Education Act 1996

What Welsh Ministers must do

Welsh Ministers have to pay due regard to children's rights, as set out in the United Nations Convention on the Rights of the Child (UNCRC), in everything they do.

The Rights of Children and Young Persons (Wales) Measure 2011

The Well-being of Future Generations (Wales) Act 2015

This promotes a more equal Wales. All children must have an education and have support to overcome barriers to learning.

The Additional Learning Needs and Education Tribunal (Wales) Act 2018

This replaces the current SEN framework. It comes into effect from September 2020. The duty is on the local authority to decide whether the child has ALN. This includes children who are home educated.

If a local authority decides a child has ALN, they must develop an Individual Development Plan for them. The local authority has to make sure the child gets everything in that plan, even if the parents are providing it.



About home education

Home education is when parents educate their children at home instead of sending them to school.

People home educate for different reasons:

- ideological and philosophical
- health and well-being
- cultural
- religious
- special educational provision
- language choice
- bullying
- length of school journey
- awaiting a place in the school of their choice
- flexibility

Parents who home educate take full responsibility of their child's education, including the costs.

Ways of educating

There isn't only one way to home educate. Some families choose:

- **Structure** – they may have a timetable, curriculum, trips, groups, courses and activities to help with learning.
- **Independent learning** – following what children want to learn. Children choose subjects or projects that interest them.

Home education is flexible, personal and responsive. Often the learning activities are very different to what happens in school.

Efficient, suitable, full-time education

Parents have to provide an efficient, suitable, full-time education.

A full-time education – gives time to the process even if it doesn't have a timetable or structure. There is no legal definition of full-time.

A suitable education – prepares children for life and helps them achieve their potential.

An efficient education – achieves its goals.

The local authority can look at the type of education and check it's suitable. But home education should never be judged against the national curriculum or compared to school.



Other facts

Parents don't need any qualifications to home educate. They don't need to be a teacher or have completed education courses.

Parents don't need permission to home educate. If a child is in school the parents must write and tell the school, they are going to home educate. The child's name is removed from the school register. The school must let the local authority know within ten days.

If the child has never been to school, parents don't have to tell anyone.

Parents can home educate a child who has a SEN statement. If a child is in a special school, the child's name can't be removed from the register until the local authority agrees.

Parents can hire a tutor. Tutors can be a useful part of home education. But, if a tutor is teaching five or more children together, it could be seen as an independent school. If it is the law requires them to register with the Welsh Government.



Identifying children

Local authorities have to keep improving how they deliver services and work with home educating families. Involving home education parents and children can make a real difference.

Local authorities report to different scrutiny committees and elected members. Their annual report on home educated children should include:

- the numbers of home educated children in their area
- issues and reasons families choose to home educate
- good practice
- risk assessments
- future plans

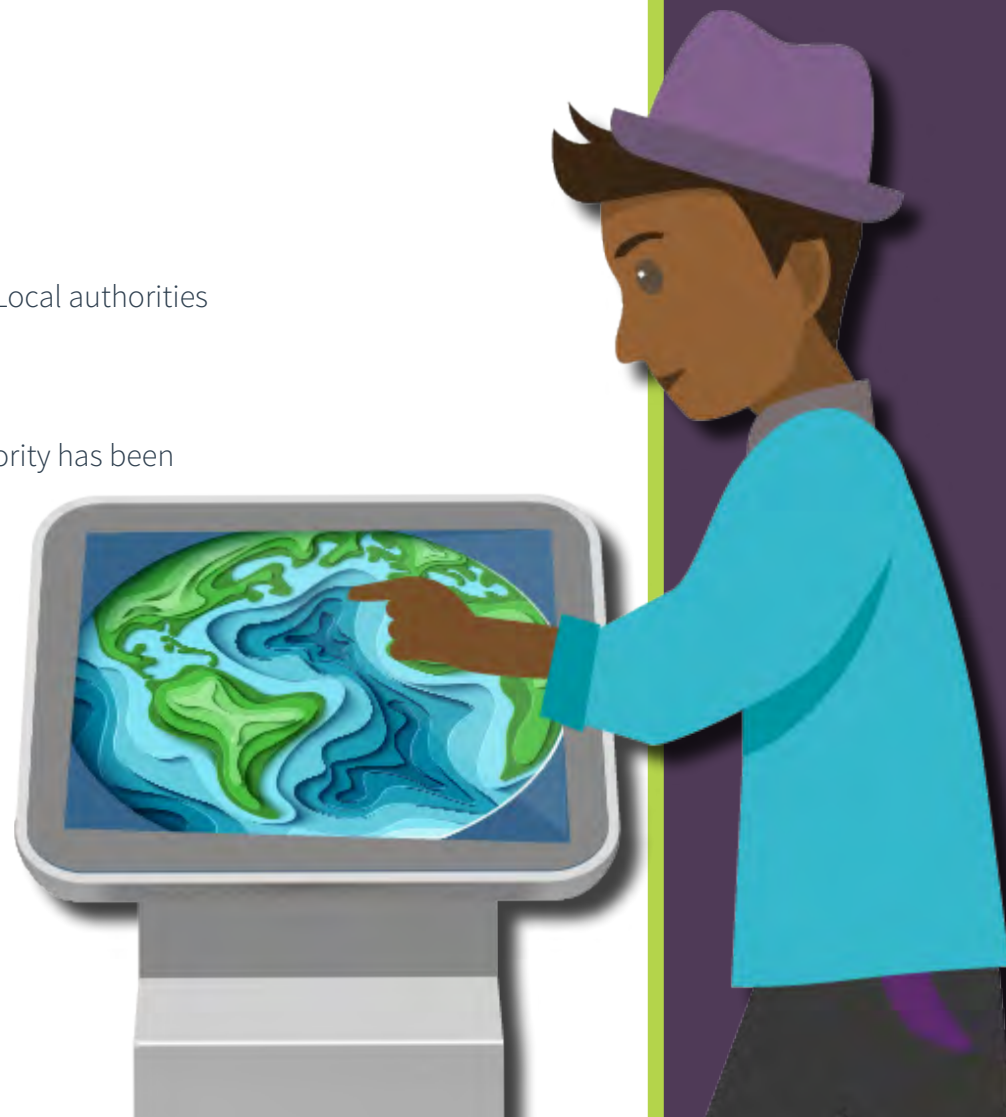
Improving support

We want home educating families to be able to find support when they need it. Local authorities should have a named person that families can contact.

Improving information

A robust and consistent dataset of home education over time in each local authority has been developed. Local authorities should use this to:

- identify patterns and trends of home education in their area
- develop their policies and practices
- identify areas for improvement for local schools.



Improving safeguarding

Services must work together to protect children from harm. It's everyone's responsibility.

This applies to all children. There is no evidence that home educated children are at greater risk than children at school.

Local authorities must ask for information if they think a child is at risk. If they don't get the information they need, this could be reasonable cause to take steps to see the child. If they feel the child is at harm, they can apply for a Care Order.

Improving systems

It can be difficult to know about all the home educated children in a local authority area.

All 22 authorities have signed WASPI which helps to share information. But local authorities should look at other ways too, like Information Sharing Protocols.

Going forward – The Home Education Database

In January 2018, the Minister for Education set out plans for new rules. These mean local authorities must setup a database of all children in their area. It would put a duty on health boards and independent schools to share non-clinical information with local authorities. This could then be cross referenced to school registers.



Local authorities can also identify children through:

- **truancy sweeps** – no action should be taken against the child, but the information can be shared.
- **transition points** – local authorities should cross reference school admissions with birth registers. This will help them identify reception aged children not at school.
- **school to school (s2s)** – after a child leaves one school, the new school registers them on this secure website. If this hasn't happened within four weeks, then the local authority must create a 'lost pupil' common transfer file (CTF).

Checking the education

In order for the local authority to assess the suitability of education received, it would be reasonable for them to see the child.

Families should have opportunities to show their child's education is suitable. Children should have the opportunity to have their voice heard.

When and where

Local authorities should meet with families once a year. They can arrange to meet more often if there are concerns. Meetings don't have to take place at home. They can happen anywhere.

What to check

Local authorities should be checking:

- how involved the parents are in the education
- the child's needs
- opportunities for learning experiences
- resources like books and ICT
- opportunities for the child to be social, play and meet people

A suitable education should include ways to learn numeracy, literacy and language skills.

They should not be checking:

- if they follow any curriculum
- if they have a timetable, term times or set hours
- if they have a set room for study
- if they have the same equipment as a school

Involving the child

The local authority should see and speak with the child. They should listen to what the child thinks about their education.

If a child doesn't want to be home educated, the local authority should attempt to help the family reach a common view on what is best, for example, by sign-posting to or offering family mediation services.

Evidence

Evidence of a child's education is important for local authorities, but parents don't have to provide anything. However, without any evidence it would be difficult for the local authority to be satisfied that a suitable education was in place.

So, being clear, friendly and approachable is key.

A pre-meeting questionnaire is a good starting point for discussion. It also gives the parents time to think about any support they might need.

The report

A report should be sent to the parents within 10 days after the meeting. It should tell them if the local authority feels the home education is suitable or not.

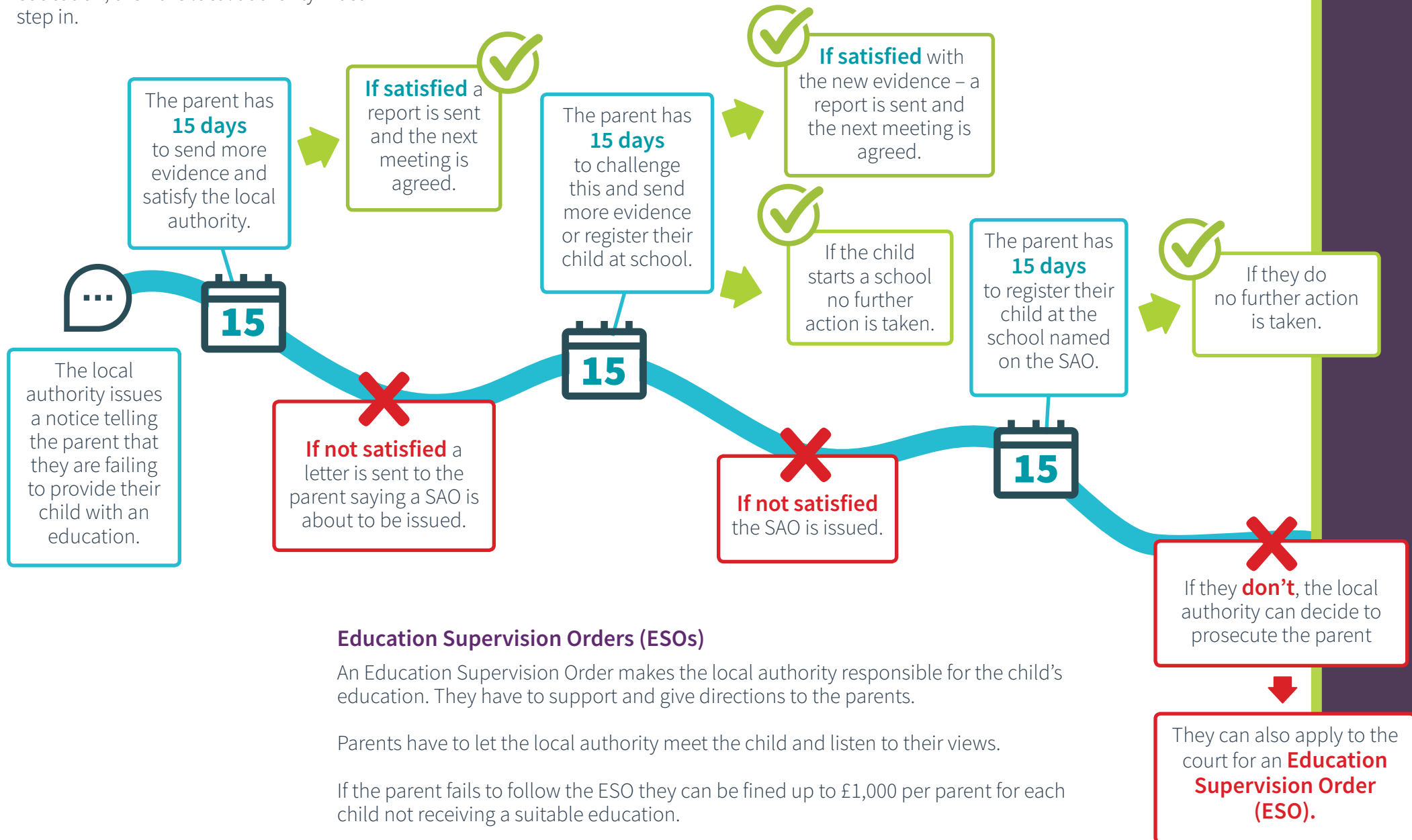
The report must also include:

- any actions needed
- what the local authority can do to help
- when the next meeting will be
- concerns or issues raised by the family
- requests for help or information made by the family



School Attendance Orders (SAOs)

If a parent isn't giving a child a suitable education, then the local authority must step in.



Support for children

Information about home education should be clear, up-to-date and easy to find. It should include:

- details of support
- opportunities in the area
- lists of home education organisations
- links to resources
- links to services available

Exam support

Home educating parents take full responsibility for their child's education. This includes the costs of exams. Examinations have to be taken at an approved exam centre. Local authorities should where possible tell parents where their child can sit exams.

Off-rolling

Some schools pressure parents to home educate their children. This may happen when there's attendance issues or a threat of exclusion. This is not acceptable. Our policy is clear. Parents should never be encouraged to remove their child from the school register.

Local authorities have a responsibility to advocate for children and support parents. They must challenge any school caught doing this.

Flexi-schooling

Flexi-schooling isn't home education.

The child's name stays on the school register. The child attends the school part-time. The rest of the time they are educated at home.

It's up to a head teacher if a child can do this.



Thanks for reading this

You can read the full guidance here:

We want to make sure this guidance works so please answer the questions by 21 October 2019. Send your answers to:

 WELLBEINGshare@gov.wales

Please put

**The Home Education
consultation – WG35754**
in the subject line.

 **The Home Education Guidance
Consultation**

Pupil Wellbeing Team

Support for Learners Division

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

Questions

Does this give enough information to help local authorities check the suitability of home education?

Yes

No

Not sure

Supporting comments

Do you agree with the reason for seeing the child to assess suitability of education?

Yes

No

Not sure

Supporting comments

Does this set out the rights of parents to home educate their child(ren)?

Yes

No

Not sure

Supporting comments

Is the information about SAO's and ESO's clear?

Yes

No

Not sure

Supporting comments

Does this set out the need for local authorities to identify children?

Yes

No

Not sure

Supporting comments

Who should do the visits and assess the suitability of the child's education? For example: a teacher, home education officers, someone from an independent education panel.

Do you think other professionals should be at the meeting? For example: an educational psychologist or a speech and language therapist.

Yes No Not sure

Supporting comments

Is there anything else we need to include in this guidance?

One last thing

We mentioned that the Minister for Education wants to develop a Home Education Database.

Do you think this is the right thing to do?

Yes No Not sure

Supporting comments

Should independent schools and health boards have to share information with local authorities?

Yes No Not sure

Supporting comments

