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

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| **Consultation response form** | Your name:  Organisation (if applicable):  e-mail/telephone number:  Your address: |

Responses should be returned by **21 October 2019** to

Support for Learners

Education and Public Services Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [WELLBEINGshare@gov.wales](mailto:WELLBEINGshare@gov.wales)

**Question 1** –Does the draft statutory guidance provide suitable information to enable local authorities to assess the suitability of the education received by home educated children?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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**Question 2 – Chapter 1: legal responsibilities**– 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?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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**Question 3 – Chapter 2: identifying children not known to the local authority** –

1. 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?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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1. 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?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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**Question 4 – Chapter 3: efficient and suitable education** –This chapter focuses on the requirement for local authorities to consider whether the education provision is suited to the needs of the individual child; whether learning is taking place; and whether the child is making reasonable progress in line with their age, aptitude and any special education needs they may have.

1. 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?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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1. 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?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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1. 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?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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1. 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.

**Supporting comments**

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1. 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.

**Supporting comments**

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1. 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.

**Supporting comments**

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1. Do you have any other comments on this chapter?

**Supporting comments**

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**Question 5 – Chapter 4: school attendance orders (SAOs) and education supervision orders (ESOs)** – This chapter focuses on existing powers available to local authorities when they are unable to satisfy themselves that a home educated child is receiving a suitable education.

Whilst home educators are under no duty to respond to reasonable requests from the local authority, case law has established that it would be unwise for them not to respond. In the absence of information that suggests that the child is being suitably educated, it is reasonable for the local authority to conclude that the education provision does not appear to be suitable.   
  
Is this chapter clear about:

1. local authority responsibilities to issue SAOs and ESOs?; and

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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1. clear about the process to follow when issuing SAOs and ESOs?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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**Question 6 – Chapter 5: educational support** – This chapter considers the advice, information and support local authorities could make available to home educating families. Do you think this chapter is useful?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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**Question 7 – Chapter 6: Safeguarding** –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?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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**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?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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**Question 9** –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?

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| Yes |  | No |  | Not sure |  |

**Supporting comments**

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**Question 10** – 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:

1. opportunities for people to use Welsh
2. 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?

**Supporting comments**

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**Question 11** – Please also explain how you believe the proposed policy could be formulated or changed so as to have:

1. 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.
2. 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.

**Supporting comments**

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**Question 12** –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.

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| Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: |  |