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Dyddiad / Date:	
Pwnc / Subject:	Home Education – Statutory Guidance for Local Authorities and a Handbook for Home Educators

Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Assembly on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

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

Estyn welcomes the strengthening of statutory guidance to support local authorities in exercising their functions under section 436A of the Education Act 1996, which places a duty on local authorities to make arrangements to establish the identities of children in their area who are not registered learners at a school and are not receiving suitable education.

Estyn has welcomed the opportunity to work closely with the Welsh Government and other partners to develop the guidance. Overall, we think the statutory guidance is written clearly and has the appropriate level of guidance to be helpful to local authorities. It could be further strengthened by:

- providing more explicit guidance on how local authorities should promote access to wider support services for children and young people such as advocacy and counselling to home-educating families
- identifying the need under chapter 6 for local authorities to ensure that they discharge their duties under Section 26 of the Counter-Terrorism and Security Act 2015 in relation to children and young people being educated at home
- greater clarity about school and local authority responsibilities in relation to flexi-schooling
- reference to the bilingual context of 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

- a) 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	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>The absolute right of children to receive a suitable education necessitates a database that will support local authorities in carrying out their statutory duties.</p>

- c) 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	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>The absolute right of children to receive a suitable education is an overriding factor.</p>
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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.

- a) 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

At least eight weeks would seem reasonable. This allows sufficient adjustment time, and is a long enough period that, after which, the local authority should have no doubt that suitable education is being provided.

- b) 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The education should support a child's health and wellbeing.

- c) 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The best way will vary depending on several factors such as the age of child, their stage of development, any special educational needs or health issues. Local authority officers should use their professional judgement in agreeing an appropriate approach with individual families about meeting their child.

- d) 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

It would be reasonable to update assessments annually. In the vast majority of cases, this will not be an intrusive or onerous task. However, it provides an annual opportunity for statutory services to ensure that the absolute right of the child to receive a suitable education is being upheld.

- e) 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

It would seem most appropriate for this decision to rest with a local authority. Rather than identifying a person with a particular role or qualification, the local authority should ensure that they use an appropriately skilled person to conduct visits and make assessments. This person could be a member of staff or could be contracted specifically for the task, or local authorities could work in partnership to carry out this role.

- f) 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

It would seem most appropriate for this decision to rest with a local authority, based on the information they have about each child. It may be that, following a visit, the local authority determines that a further visit is required involving one or more specialists before the suitability assessment can be concluded.

g) Do you have any other comments on this chapter?

Supporting comments

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:

- a) local authority responsibilities to issue SAOs and ESOs?; and

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- b) clear about the process to follow when issuing SAOs and ESOs?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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.

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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Section 26 of the Counter-Terrorism and Security Act 2015 places a duty on local authorities, in the exercise of their functions, to have “due regard to the need to prevent people from being drawn into terrorism”. It may be useful to reference this duty within chapter 6.

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	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It would be better for paragraph 6.16 to be the opening paragraph, defining flexi-schooling.

With reference to paragraphs 2.28-2.32, it may be useful to include a similar note within the section on flexi-schooling that schools or local authorities should not pressurise parents into considering a flexi-schooling arrangement.

It would also be helpful to make it clear in the statutory guidance that schools are under no obligation to agree to request from a family for flexi-schooling (this is made clear in the handbook).

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:

- 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?

Supporting comments

The effects should be negligible. The guidance for home educators contains helpful reference to where they can find support in their own use of the Welsh language as part of their education for their child.

Question 11 – 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.

Supporting comments

The statutory guidance overall makes no reference to the bilingual context of Wales. There may be opportunities to strengthen the guidance. For example, the Pre-visit template for parents could include an opportunity for parents to identify the language used for home education. Paragraph 4.15 could reference the bilingual context of Wales or be more explicit about whether developing a basic literacy and language skills in English or Welsh would be a feature of a suitable education.

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.

The case study 6 on page 32 notes that Powys has three PRUs. The Powys PRU has three centres, rather than there being three PRUs.

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: