

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

## Consultation Response Form

Your name:

Organisation (if applicable):

**Home Education Northern Ireland (HEdNI)**

email / telephone number:

Your address:

Responses should be returned by **03/07/15** to:

Pupil Wellbeing Branch  
Support for Learners Division  
Department for Education and Skills  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Or completed electronically and sent to:

[WellbeingShare@wales.gsi.gov.uk](mailto:WellbeingShare@wales.gsi.gov.uk)

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

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

The guidance paraphrases the relevant legislation inaccurately, is vague, confusing and 'woolly' in many places and is likely to lead to conflict that would destroy what positive relationships exist.

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

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

The guidance omits to state that there is no legal basis for the routine monitoring of home education, nor does it state that the presumption should be that parents are fulfilling their legal duties, unless or until concerns should arise.

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

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

The direct quotes from legislation are accurate but the guidance goes on to paraphrase s436A (Education Act 1996) inaccurately in a variety of ways.

Amongst others, the section does not support or require an annual check of parental provision. The statutory guidance on Children Missing Education (2010) recommends that the LA takes action only "*where the local authority has significant grounds for believing that satisfactory home education is not being provided by parents*". This draft guidance steps outside the law in requiring an annual meeting, in recommending one-to-one conversations with home educated children and in its requirements for the presentation of evidence.

The proposed guidance assumes that the UNCRC has legal effect on individuals in Wales, which is not the case given that the convention is unincorporated into law and contains no controlling language or mandates. The Guidance further uses the UNCRC to support an assumption that parents' are in conflict with their children, when in fact the Convention places an emphasis on the role of the family.

The draft guidance as a whole reads as an encouragement to usurp the parental duty to provide an education, and provides a menu of options for stepping outside the legal powers of the Local Authority.

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

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

The Guidance works from the assumption that the LA has a right and duty to monitor home education, to 'keep track' of home educated children, this has no legal basis. Further, the Guidance repeatedly treats home education as a lesser option, implies a duty of oversight and a veto over parental choice which the LA does not possess.

**Question 5: 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.**

As a group recently involved in analysing and addressing a similarly flawed proposed policy in Northern Ireland, and being further along in that process, it has been the experience of HEdNI that such documents prove counter-productive to their stated aims. Home educating families lose what trust they had in Local Authorities.

The Guidance is liable to create confusion and antagonise home educating families. It invites Local Authorities to make their own rules based on an unstated and unsupported assumption that home education is fundamentally a risk or problem. It confuses a situation which is very clearly outlined in legislation and guidance – the LA has no duty to monitor, their duty is reactive only and arises where an outside force triggers a concern. At that point they have sufficient power to act.

Local Authorities around the UK as well as inside Wales will take note of any guidance issued. It is important that such authority is used to clearly describe policy based on a strict interpretation of the limited powers granted by law. Only in this way can constructive relationships with home educating families be facilitated.

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:

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