

By email: HomeEducation.consultation@education.gov.uk

Thursday 28 June 2018

ADCS response to the DfE's consultation on new guidance for parents choosing to electively home educate

1. The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the Children Act (2004). The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education.
2. ADCS welcomes the opportunity to respond to this consultation on new draft departmental guidance for parents on elective home education (EHE), however, it is not clear why the Department for Education (DfE) has decided to produce separate guidance for parents and for local authorities (LAs) as this runs the risk of causing confusion. We would support a merging of the two documents into one and the inclusion of further information for schools, which is largely missing here.
3. In terms of the option to flexi-school, ADCS members have raised concerns about the use of this route, with some fearing it is the first step towards exclusion. The common view was that children should either be educated in school or at home, this hybrid option is potentially open to misuse and should not therefore be routinely available to all children and families, it only causes confusion. However, a handful of LAs provided examples where flexi-schooling can be useful e.g. if a child is playing sport at a national or even an international level requiring periods away from home to train or take part in competitions.
4. We do not know how many children and young people are currently educated at home with figures ranging from 45,000 – 150,000 ([Children, Schools and Families Committee](#), 2009). There remains a core of families known to local authorities for whom this is a considered, lifestyle choice. However, as the results of a recent ADCS [survey](#) (2017) indicate, a growing number of children and families are deciding to home school because they feel they have no other option following a breakdown in the tri-partite relationship between the learner, their parents or carers and the school. One respondent to the ADCS survey, said: *"Parents of Year 9, 10 and 11 students who EHE at this late stage for the first time increasingly report an 'unresolved difficulty' with an academy as the key reason or motive. It can include the threat of attendance penalty notices or behavioural issues linked to the potential for further exclusions. These parents invariably say they do not know what EHE entails."* In situations like this, the quality of the children's educational experiences are potentially at risk.
5. Numerous respondents to our survey also reported significant churn in this cohort across the school year, with a growing number of families requesting a return to school within a matter of months. It would be helpful if the guidance included clear statements about the circumstances in which home education is and is not appropriate. Although all parents and carers have a right, in law, to educate their children otherwise than at school, there are some cases where clearly this is not likely to result in good outcomes for children. There are no restrictions in terms of parental capacity, the existence of a child protection plan or if parents/carers are in the process of being prosecuted for failing to secure regular attendance at school. The role of the LA in terms of mediation and dispute resolution should have been recognised in 3.3.

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Similarly, the wording around 3.4 should be strengthened, a school 'off-rolling' pupils is not simply unacceptable, it is illegal.

6. Under section four it would be helpful if the guidance encouraged parents to undertake detailed research into the practicalities of educating their child at home and speak to other families in the local area to inform the development of a suitable and efficient scheme of work before commencing home schooling. We know that every single day out of learning is detrimental, so this process should be well underway, if not completed, by the time a child is removed from school roll. Plans should be outcomes focused and aspirational with regards to working towards accepted educational standards and taking national exams – we have very clear standards and expectations for all other learners attending schools. Further, ADCS believes parents and carers should have to notify their LA if the majority of their child's education is being provided in one particular setting (outside of the home) so its suitability can be quality assured.
7. Whilst the draft guidance for parents and carers offers additional detail in some areas fundamental uncertainties remain. There is still no legal definition of what an 'efficient' or 'suitable' education looks like or how many hours constitutes 'full-time' provision in the home. The wording in 2.11 is overly negative and focuses entirely on what parents do not have to do rather than what they should be encouraged to do – have a suitable home learning environment and offer a balanced programme of study. Whilst there should be scope for parents to develop a personalised package of learning it does not mean that some minimum standards or expectations cannot be articulated e.g. a suitable education should include English, maths, ICT and social activities outside of the home.
8. Parents and carers do not have to inform the school that their child is being withdrawn to be home educated nor do they have to notify the LA if they plan to home educate, nor comply with requests for information should they become known as home educators via a referral from a GP or health visitor, for example. This makes it very difficult for LAs to know that children are receiving a good standard of education, in a suitable environment, that they are safe and well and that this experience is meeting their wishes and needs. The child's voice appears secondary to the wishes and views of parents at present in the draft guidance.
9. A number of ADCS members have expressed concern about the presentation and tone of the safeguarding section of the draft guidance for parents. In this context the LA's overriding concern remains the quality and effectiveness of the educational experiences being delivered in the home. Where wider safeguarding concerns arise then a very clear set of chain of events are triggered and when home schooling has featured in tragic cases of serious harm or even the death of a child, this was generally a symptom of wider abuse and neglect and/or part of a concerted effort to avoid public agencies to conceal such abuse or neglect, see the Department for Education's triennial review of serious care reviews (2016). It is not possible to safeguard children who are not known to the LA making a strong case for mandatory registration. The introduction of a register and the ability to see and speak to the child would assist greatly in the identification of children and young people at risk of maltreatment.
10. The updates to the special educational needs section better reflect the latest legislative position following the passing of the *Children and Families Act (2014)*, however, further information is required. It would be helpful if the guidance offered greater clarity about the costs that will be met in the provision of education at home for a child with SEN and/or an education, health and care plan (EHCP), and those costs that will not be met e.g. heating, electricity etc. This is an ongoing point of confusion. It would be helpful if the guidance

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referred to the SEND code of practice. Since the 2007 guidelines were drafted a growing number of children with EHCPs attend mainstream schools. The LA's consent is required before a child can be removed from the register to be home educated, it is disappointing that the updated guidance does not refer to maintained schools. Approaches should be the same for all children and young people, irrespective of where they receive their education.

11. It is disappointing this guidance does not fully engage with the links between parents and carers using the option to home school as a cover for attendance at unregistered settings operating on an illegal basis as a full-time school. The wording in (6.7) should be significantly strengthened, many of these settings operate out of sub-standard buildings and teachers without formal qualifications or background checks teach a narrow curriculum. This is not acceptable.
12. It would be helpful if the final version of the guidance displayed some of this information in checklists or flow charts and included links to other sources of advice to assist with a greater appreciation of the local authority's role and duties and the scale of the task that parents are assuming in order to inform good decision making.
13. Representatives from ADCS met with DfE officials during the consultation process and would welcome further discussions on any of the specific points raised here or generally about the feedback received during this exercise. Please contact katy.block@adcs.org.uk in the first instance.