

## Cluster 10 - North and East London

Response to:

***Elective HOME EDUCATION: draft LEA guidelines***

### FEEDBACK TO CONSULTATION

We agree there should be national guidelines for LEAs to follow to ensure consistency and good practice in this area of work.

However, we believe this draft guidance document is not fit for purpose and that it fails to provide LEAs with any real power to safeguard and promote the welfare of those children being educated through this system and the draft could be in breach of the Children Act 1989 -for failing to provide any provision for the child's voice to be heard.

The whole balance of this draft document is pitched in favour of the parent with neither the child nor the LEA having any status within it as the law currently stands.

**We Recommend:** Any future LEA guidance should uphold the rights of the child in partnership with parents and allow LEA officers to carry out their functions in compliance with all relevant legislation, such as the Children Act 1989 and the Education Act 2002 s175, which states:

***A local education authority shall make arrangements for ensuring that the functions conferred on them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children***

The draft document as it stands fails to take on board the statutory duties imposed on LEAs and is in breach of the duties imposed on LEAs through the above legislation.

The following over-arching points are critical in support of our response to this draft.

- a. **Home Education legislation cannot be superior to that of the Children Act 1989 nor of the Education Act 2002 S175, but should work in partnership**
- b. **LEAs have no rights of access to child.**
- c. **LEAs have no actual facility to assess and monitor the child's welfare and development and ascertain their wishes and needs other than through the parent.**

Our comments on the draft itself are as follows under part headings:

#### **Part 2 - LEA responsibilities**

- It states that LEAs can intervene if they have good reason, but the draft makes it very difficult because of lack of access to the child and indeed their work which undermines possible intervention by LEA officers.
- This lack of access to child/ren undermines the LEAs duty to safeguard and promote the welfare of children as the LEA function is to monitor this provision. This LEA monitoring role triggers S175 (1) which places a **duty** on the LEA to safeguard ..... and is not 'should consideration be given' as stated in this draft.

#### **Part 3 - Clear Policies and procedures**

- We agree there should be a named officer in each LEA who has experience in working with home education and be regularly trained in child protection.
- LEA should have written policy statements endorsed by their local ACPC or Safeguarding Children Board.
- Training staff to work in this specialised area needs national funding in support of

this provision. This is a specialised area of work and children can be vulnerable because they can be isolated from their community.

### **De-registration from school**

- We recommend there should be legislation to require parents who elect to home educate or remove their child from any educational establishment to home educate should have a legal obligation to inform their local LEA of their intention. This requirement should include maintained, non maintained, independent, nursery etc.

### **Withdrawing the child**

- We disagree that irregular non attendance would not be sufficient cause for concern within the LEA. We believe it is. Anecdotal evidence suggests parents will use home education as an opt out when they are in conflict with the school and/or the LEA over poor attendance and this move out of the maintained education system may mask other concerns within the home.
- We would also raise the point of assessing a parent's capacity to provide 'efficient and suitable' education appropriate to meet their child's needs could take a substantial amount of time if complying with the terms of this draft.
  - » That LEAs 'should assume' education provision is suitable, must be challenged, LEAs should fulfil their responsibilities and assume nothing.
- LEAs have very little in terms of powers to verify information being provided by the parent and there is the fact that the LEA have no opportunity to work alongside the child other than that afforded by the parent. **Providing an "efficient and suitable" full time education**

### **education**

- Legislative needs to be in place to ensure LEAs have access to each child in order to safeguard, assess and monitor development and progress
- Some national minimum standards should be set by DfES to standardise the range of information to be provided by LEAs to home educators.

### **Access to the home/ School Attendance Orders**

- Significant concerns with the contents of these sections which promote the isolation of the child with inherent difficulties for LEAs to be able to fully assess the child's needs.
- Frustrating LEA access to all parties negates effective monitoring and the gathering of information.
- Meetings need not be held within the family home, but these can be useful in completing a full assessment.
- LEA contact should be a minimum of once a year unless there are concerns raised regarding the quality of the education being provided.
- We agree parents should be notified of LEA expectations for any follow up visit.

### **Children with Special Educational Needs**

- **We would also like to raise the point that if parents choose not to engage with the LEA, how would the LEA know what is or isn't happening to create concerns regarding reviewing the statement and developmental needs?**

### **Part 4 - Developing relationships**

- National standards need to be set
- There is no funding to resource such an initiative, therefore additional funding would be required if this is to be achieved for translations into community languages and alternative formats of communication. **Contact with parents and children**
  - Restating everything stated above. There needs to be legislation to support LEA proactively monitor the child's academic and developmental progress in an effective way.
  - Safe recruitment and selection of third party providers - guidance to parents required here.

### **Child protection**

- This whole draft document appears to lack any real understanding of child

- protection from the child's perspective. It is all about parental rights.
- LEAs who have concerns will refer to the appropriate authority. But if the law fails to provide LEAs with rights of access to the child/ren educated at home, how are concerns going to be identified?
  - We support the parents choice to home educate their child/ren, but if the LEA is expected to participate and support this facility properly, resources need to be attached to the project especially for training and development of policies and procedures, and with legal authority to support the process properly.
  - The LEA have a duty to safeguard and promote the welfare of children.

#### **Part 5 - Support and resources**

- Why the inclusion of Connexions to the exclusion of all other LEA support services?
- Support the Flexi-schooling initiative providing it has Headteacher consent.
- Work experience: parents can make their own arrangement, but may need guidance on safe placements and monitoring.
- Truancy Sweeps: The LEA maintain a central register of children and where each child is being educated. Home educated children may not be on any central data base and this may cause acrimony if challenged by officers.
- Traveller children are supported through separate legislation and funding initiatives.

Investigation and Referral Support Co-ordinator

On behalf of Cluster 10  
North and East London  
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