

**Overview of Education Otherwise Response to Consultation on Home Education Guidelines
July 2007
and postscript March 2009 with reference to the DCSF Independent Home Education Review
for England**

In July 2007 Education Otherwise submitted the following recommendations to the DCSF as part of a response to the Government consultation on Home Education guidelines in England for local authorities. Guidelines for local authorities in England were published in November 2007 and may be found [here](#).

Foreword

Education Otherwise welcomed the long-awaited public consultation on Elective Home Education Guidelines for Local Authorities. We endorsed the production and dissemination of new guidelines as the best way forward.

Education Otherwise gives support and information to members who wish to establish a positive working partnership with their local authority.

Education Otherwise is the largest and longest-established organisation representing the interests of families undertaking home-based education. Our organisation and membership are major stakeholders in this process. We met with the Department during the consultation, and look forward to further opportunities for consultation during the next stage of the process.

We consulted widely with our membership via local, regional and national internet support lists run by Education Otherwise. We also canvassed the views of members via the Education Otherwise newsletter, which is sent to 5,000 member families. In addition we have run eight regional workshops for home educators as part of the process of drafting our response.

We retained a barrister with expertise in Elective Home Education and experience in the area of training for local authorities, who assisted in the preparation of our consultation response and the drafting of proposed revised Guidelines.

Home-Based Education: The Way Forward

The Department talks of relationships between the local authority and home educators. We are pleased to report that an increasing number of authorities are now willing to put the relationship on a different footing.

During the 2007 Education Otherwise travelled across the country to hear our members' views and to set out the implications of the new legislative framework. We ran a series of 8 regional workshops for home educators in the Midlands, the South West, the North East, the North West, London, the West Midlands, the South East and East Anglia.

The Department is already aware of the new positive working partnership between the local authority and home educators in Sheffield. During the 12-week consultation period the Department met twice with local representatives from Education Otherwise and the Sheffield Children and Young People's Directorate.

Local Authority Pilot Projects

Education Otherwise recommends that the Department consider a number of innovative pilot projects aimed at promoting positive working partnerships across a range of urban, suburban, rural and metropolitan borough areas. The authority's role in these pilot schemes will evolve from a one-

to-one inspection and monitoring role, which is neither cost-effective nor equitable, and move towards an advisory, information, and resource-based support role.

Local authority duties could better be interpreted as providing an advice and support service, for example:

- a fulltime Telephone Helpline service;
- establishment of informative council website pages on Elective Home Education resources;
- liaising and mediating where appropriate with other children's service departments, the extended curriculum team and extended schools provision for the wider community;
- fostering links between the home education community and the Further Education sector;
- ensuring that the home education community is included in circulars on wider community provision for children and young people

Education Otherwise believes that it is only through engagement with the local community that the authorities will discover the most cost-effective way to meet their responsibilities.

Local authorities already have a duty to consult stakeholders.

Home-Based Education: New Laws Relating To Children And Young People

In recent years there have been several important new laws and initiatives:

- Every Child Matters
- Children Act 2004
- Education and Inspections Act 2006

Local education authorities have disappeared, to be replaced by large multi-agency departments. It is very helpful in the light of these changes for the Department to reissue guidelines to local authorities clarifying their duties and responsibilities.

Introduction of new guidelines will go some way to addressing the current situation. However, lack of funding to local authorities continues to be a major impediment to the proper implementation of the law.

Home-Based Education: The Lead Professional

We concur with the Department's view that there is a need to establish a lead professional for Elective Home Education in each local authority. Moreover, the role of the lead professional needs to be embedded in the Children's Service Department with a clear remit and a structured programme of professional development. This will facilitate a better understanding at a local level between the authority and the home education community.

The current legislative framework is sufficient but poorly understood, and too often custom and practice does not reflect legislation.

Home-Based Education: The Parents' Responsibilities

The duty in law to ensure that a child is receiving an education lies with the parents, whether the child attends school or is educated at home. European and British human rights legislation provides that parents have the right to choose an education for their children which is in accordance with their religious and philosophical convictions. European jurisprudence makes it clear that States parties have the positive obligation to promote this parental right.

Any move to make a child's education the responsibility of parties other than the parent's strikes at the very heart of the legislative framework for education in England and would expose those other parties to formal legal responsibility enforceable and actionable in the courts.

Personalised Education

The requirement to provide an education suitable to the age, ability, aptitude and special educational needs of the child is the cornerstone of the current legislation. It defines the responsibilities of the parent in relation to their individual child and from this parents can deliver a truly personalised education, which is such an important characteristic of home-based education.

Lack Of Awareness Among Professionals And Wider Community

It is our experience that some of the people employed to work in this area are openly hostile to the fact that home-based education is allowed in law. Some see their task as "getting the child into school".

There is a lack of awareness of home-based education amongst national and local politicians and councillors, policy makers and national and local authority officials. As a result, our community is often adversely affected by legislation and initiatives not designed to impact on them and frequently forgotten or excluded from initiatives, funding streams and proposals that would assist them.

This position has arisen following the re-organisation brought about by the Children Act 2004 and we are aware of home educated children, especially those who have special educational needs, being placed on 'at risk' registers or having care proceedings initiated which centre on a misunderstanding of the nature and practice of home education.

Every Home Educated Child Matters

The government's statement that "Every Child Matters" has a very hollow ring in our community. Across the country home educators themselves fund the home-based education (including all educational resources and examination costs), the local family support networks and the national organisations such as Education Otherwise.

If home educated children entered the maintained sector, this would cost the Exchequer two hundred million pounds, representing £5,000 average per capita school child funding for 40,000 children and young people, with additional costs for SEN provision.

The relationship between the local authority and the home education community is not without its problems. Too often it seems that professionals are slow to recognise that inappropriate intervention causes untold distress. It is our experience that many local authorities have an expectation of annual intrusive visits to the home where they insist on interrogating the family and on imposing the officer's own school-based model of education.

Furthermore, some authorities routinely use the threat of a School Attendance Order to get parents to comply with local authority practices and some practitioners have a rigid inflexible attitude and insist on questioning the child. Many families are coerced into reluctant cooperation. Many families find these visits stressful and they rarely bring any benefit to the family.

Home-Based Education And Special Educational Needs

In the consultation response and revised draft Guidelines, Education Otherwise has paid particular attention to the Elective Home Education of children and young people with Special Educational Needs. This is an area which is poorly understood by many professionals who would attempt to

import a school-based model of SEN provision into Elective Home Education. Education Otherwise Disability Group assisted in the drafting of our Guidelines on SEN. The members of the Disability Group bring many years of experience to this task.

Discrimination

Home-based education and school are afforded equal status in law. Families exercising their right to home educate deserve to have their decision respected and must be treated equally under the law. Letters from the Department frequently contain an assertion that the best place for a child is in school. This is an impediment to positive channels of communication and undermines trust. We feel that this devalues the sacrifices made by families who undertake Elective Home Education. Families experience prejudice and discrimination on the following grounds: class, race, housing, single parenthood, SEN, disability and de-registration following bullying. Negative stereotyping and prejudice are detrimental to children's security and well-being.

Postscript March 2009

Education Otherwise is meeting with Graham Badman who is undertaking an Independent Review of Home Education for the DCSF. More information about the Review can be found [here](#).

The Home Education Review team has also spoken with representatives from [Home Education Advisory Service](#); [Autism in Mind](#) and [the National Autistic Society](#).

[For the latest news on the Home Education Review please visit our update page.](#)

REFERENCES

[Education Otherwise](#)

[Guidelines Consultation](#)

[Education Otherwise response to Guidelines Consultation](#)

Sheffield Children and Young People's Directorate Scrutiny Board

[December minutes](#)

[February minutes](#)

[June agenda](#)

[Sheffield City Council Access and Inclusion Department](#)

[NFER: Support for Home Educated Children](#)

[YOF Report on Youth Funding](#)

[Staffordshire website for Elective Home Education](#)

[Milton Keynes Council Information on Elective Home Education](#)

[Every Child Matters](#)

[Children Act 2004](#)

[Education and Inspection Act 2006](#)

[European Convention on Human Rights](#)

[section 7 Education Act 1996](#)