

## EDUCATION OTHERWISE PROSPECTUS FOR IMPROVING SUPPORT TO HOME EDUCATING FAMILIES

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*Presented to the Independent Review into Home Education April 2009*

Fiona Nicholson	Trustee, Disability Group, Chair Government Policy Group, Joint Local Contact Sheffield
Annette Taberner	Trustee, Government Policy Group, Local Group Organiser
Ann Newstead	Trustee, Media Spokesperson, Government Policy Group, Local Contact Kent, Local Group Organiser
Julie Bunker	Disability Group, Midlands regional representative
Christine Waterman	Disability Group, Special Educational Needs Contact
Ian Dowty	Barrister, Director of ARCH, Action on Rights for Children

Education Otherwise Association Ltd  
PO Box 325  
Kings Lynn  
Norfolk, PE34 3XW  
[www.education-otherwise.org](http://www.education-otherwise.org)

Registered Charity No. 1055120

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## Education Otherwise

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**Education Otherwise** (EO) is a charitable membership based organisation that was formed by a small group of parents in 1977 and has evolved into a large self-help organisation which offers support and information to members.

We take our name from the Education Act, which states that parents are responsible for their children's education, "**either by regular attendance at school or otherwise.**"

EO has in the past contributed to government consultations to preserve the right of families to home educate and has assisted local groups who are working with individual LAs to promote better working practices. Our extensive network of over 4,000 members includes those families, groups and individuals who are practising home education as an alternative to school, those who are considering the possibility of home education, and those who support the principle of home education. This work has been carried out by a nation-wide team of dedicated, experienced members who volunteer their services free to support other members and promote home education, and who continue with this work to date.

EO has never promoted any 'one right way'; our aim has always been to help parents choose the most appropriate form of education for each individual child, the decision being founded on informed choice and full consideration for the wishes and feelings of the child. Since, however, too few people are even aware of their right to home educate, EO has worked to raise public awareness of the fact that, in the UK it is not school, but education, that is compulsory.

Our principle aims are:

- encourage learning outside the school system;
- reaffirm that parents have primary responsibility for their children's education and that they have the right to exercise this responsibility by educating them out of school;
- establish the primary right of children to have full consideration given to their wishes and feelings about their education;
- promote knowledge, understanding and acceptance of education otherwise than at school in the world at large.

We do not have any source of funding other than members' subscriptions and donations, and everything we do is dependent upon the work and commitment of volunteer members.

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## Introduction and Executive Summary

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The home education community is diverse and growing rapidly. Some families come to home education because the education system fails them and their children, others opt to home educate as a positive choice. Every child is different and every family is different. Home education organisations can only hope to reflect the wide variety and diversity of views and educational approaches.

Until the 2004 Children's Act there was a clear distinction between educational issues and welfare issues. Since then the picture with regard to home education has become much less clear and the two issues have become conflated. Education Otherwise receives many calls from home educating families who have encountered professionals unaware of the legal position with regard to home education and who simply believe that the best place for children is in school.

The introduction of the Every Child Matters agenda has brought many more professional from many different agencies into awareness of home education. This has not been accompanied by relevant training, clear lines of responsibility or a proper framework locally or nationally to address the many and often misguided concerns now being expressed by professionals and politicians.

We wish to place on record our dismay at the manner in which the announcement of the investigation was publicised and our concerns about the inadequate time scale for the investigation.

Education Otherwise has over thirty years experience in this field and is pleased to offer its expertise to the investigation. A thorough investigation will raise fundamental issues and principles including:

- ❖ the relationship of the State and local government to the Family and the Child;
- ❖ the role of the Family in determining a Child's education- this currently lies with parents, any change would impact on all families;
- ❖ whether the State only financially supports, through taxation, education for children and young people when families choose to use the state education system, or whether funding follows the child irrespective of the place of education;
- ❖ Where the burden of proof should lie- does innocent until proven guilty apply to all or are authorities proposing to reverse the burden of proof in the case of home educating families?
- ❖ What are the liabilities of local authorities and if they take to themselves more responsibility for home educating families will they also expose themselves to greater liability?

- ❖ Can Local Authorities both “inspect” and take responsibility for prosecutions whilst at the same time expecting parents to look to them for support and help?
- ❖ If recommendations are made by the investigation how will they be disseminated and implemented? There is no consistency between local authorities and there is no infrastructure locally, regionally or linking local and national government;
- ❖ How will local and national government ensure that the voice of stakeholders is recognised and heard?
- ❖ When and how will Government ensure that there is training for professionals in the children's workforce and for local and national politicians on the issue of home education?
- ❖ How will the Government address the lack of a framework for meaningful communication with our community at local, regional and national levels?
- ❖ What measures will Government take to ensure that allegations are substantiated before they are incorporated into official documents or form the basis for policy decisions?
- ❖ What measures will Government take to ensure that decisions made in other Departments are examined to ascertain the impact they will have on the home education community?
- ❖ What measures will Government adopt to ensure that the voices of home educated children and young people will be heard?
- ❖ What measures can local and national government adopt to ensure that they make people aware of the right in law to home educate and stop the misinformation given to parents and the wider community that children must, by law, attend school.

Education Otherwise believes that home educators and local and national government need to find out more about each other's point of view and there needs to be a recognised framework for continued dialogue. Our proposals for this include an annual Home Education Conference, a national Home Education Committee, regional home education workshops, more drop-in centres for home educating families and more listening to what home educators say they want.

We believe that the Government and local authorities can only start to discover the complex reasons behind non-engagement if they try to understand the perspective of the family and are able to listen in a non-judgemental way and to take time to reflect on what they might learn from these conversations. Any type of “inspection” or “monitoring” service will not be conducive to reflective listening and to the ability to be non-judgemental.

Home education support organisations find that people will share problems with us when they wouldn't dream of sharing with anyone they perceived to be in position to judge and to condemn their educational provision as defective.

Home educators are resourceful and resilient and we will continue to support ourselves and to develop self-help networks. Home educators are generally excluded from school-based services and there is no evidence that the Government intends to fund local authorities to provide services for home educating families. Nevertheless we have made a number of recommendations to the Review team, many of which will have cost implications.

## Summary Education Otherwise Recommendations

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1. **Recommendation:** that the local authority's role should evolve from one to one inspection and monitoring towards advisory, information and resource-based support role (2007).
2. **Recommendation:** that the DCSF continue to look at models of good practice in local authorities (2007).
3. **Recommendation:** that the DCSF should draft a companion document to the Elective Home Education Guidelines which could usefully be termed "Advice to Practitioners" or "Practice Guidance". Education Otherwise would be happy to assist in this process (2007).
4. **Recommendation:** that the DCSF Elective Home Education Team should work with home education support organisations to set up a national Committee for Home Education, remit to include contributing to Government policy initiatives related to home education, contributing to Impact Assessments and making recommendations related to Home Education policy.
5. **Recommendation:** DCSF to raise awareness of home education as legal option. Families must be able to make an informed choice.
6. **Recommendation:** that the DCSF work with home education support organisations and local authority representatives to understand the barriers to home educating families accessing support.
7. **Recommendation:** that the Home Education Committee undertakes to review all such initiatives in the light of Every Child Matters including home educated children.
8. **Recommendation:** that DCSF Elective Home Education team require local authorities to provide updated contact details for EHE personnel.
9. **Recommendation:** that the Lead Professional for Home Education be given overall responsibility unless the family is specifically notified of an alternative arrangement.
10. **Recommendation:** that an Elective Home Education Impact Assessment should be carried out across all government departments where policy may affect children schools and families: eg Department of Health, Department of Communities and Local Government, the Home Office, the Foreign and Commonwealth Office, the Department of Work and Pensions,

the Ministry of Justice, the Department of Innovations Universities and Skills.

11. **Recommendation:** that the DCSF issues travel bursaries for local authority elective home education professionals to attend the Conference.
12. **Recommendation:** that the DCSF, local authorities and representatives from the wider children's workforce, particularly social services, work constructively with home educators and home education support organisations to remove the stigma to asking for help/support.
13. **Recommendation:** that the DCSF make funding available for a 1 year pilot project to provide a community-based drop-in facility for home educating families.
14. **Recommendation:** that "home education" is removed from the prejudicial areas of vulnerability and dysfunction and becomes a subset of "education" within Children's Trusts.
15. **Recommendation:** that the Home Education Committee establish protocols for national and local Government to seek the view of home educated children and young people with respect to government initiatives such as new play areas, myplace, Youth Opportunities Funding.
16. **Recommendation:** that the DCSF and the Children's Workforce Council promote the benefits of attending regional home education workshops to local authorities and that the DCSF assists in provision of a training budget.
17. **Recommendation:** Education Otherwise and the Home Education Committee to liaise with the Children's Workforce Development Council and the DCSF to make available a budget for training. DCSF to stipulate that anyone dealing with home educating families either has had prior training in home education themselves or will be required to seek further information on home education at the point of first contact.
18. **Recommendation:** training in home education law for legal departments at national and local government level.
19. **Recommendation:** training for solicitors in home education.
20. **Recommendation:** fact sheet for solicitors, not just about law but also about home education in general.
21. **Recommendation:** raise awareness about home education among judges and magistrates.

22. **Recommendation:** DCSF and the Home Education Committee should raise awareness of home education with the Ministry of Justice.
23. **Recommendation:** to ask the Home Education Committee to investigate the issue of off-rolling.
24. **Recommendation:** to ask the Home Education Committee to investigate the implications for home educators of the proposed regulation and inspection of independent educational provision, paying particular attention to the impact on children with special educational needs.
25. **Recommendation:** that Education Otherwise researches, publicises and shares information about services offered to home educating families.
26. **Recommendation:** that the Committee audit local government practice in circulating information to home educating families
27. **Recommendation:** that the Home Education Committee assess the benefits of voluntary engagement with particular reference to models of good practice
28. **Recommendation:** to ask the Home Education Committee to investigate the impact of raising participation age on home educated young people. What will be the role of the local authority in relation to home educated young people 16-18?
29. **Recommendation:** that the Home Education Committee investigates and reports on initiatives such as Notschool and Second Life.
30. **Recommendation:** that the Home Education Committee investigate the barriers to flexischooling arrangements and publishes a short factsheet on the main considerations for schools and local authorities.
31. **Recommendation:** that the Home Education Committee could review qualifications such as GCSEs, IGCSEs, ASDAN, Key Skills, Open University and the European Computer Driving Licence.
32. **Recommendation:** that the Home Education Committee investigate as a matter of urgency the issue of controlled assessment for home educated young people taking GCSEs as private candidates.
33. **Recommendation:** that the Home Education Committee investigates ways in which home educated young people could have greater access to Key Skills provision and accreditation.

34. **Recommendation:** to ask the Home Education Committee to investigate barriers to home educated young people accessing college at 14.
35. **Recommendation:** that the Home Education Committee commission a short report about qualifications for private candidates which could be sent to Connexions /IAG professionals across all local authorities.
36. **Recommendation:** to ask the Home Education Committee to examine barriers to home educated young people 16+ accessing free sight tests and NHS optical prescriptions (currently these are not free of charge).
37. **Recommendation:** to ask the Home Education Committee to examine barriers to securing Education Maintenance Allowance for young people either in full time home education 16+ or part-time home education/part-time college.
38. **Recommendation:** to ask the Home Education Committee to examine impact of new Vetting and Barring legislation on eg tuition groups and on work experience for home educated young people.
39. **Recommendation:** that home education support organisations work with local authority representatives and with Government departments to produce a factsheet with authoritative information about benefits and tax credits related to home education. The factsheet would also be easily available online.
40. **Recommendation:** that professionals listen to the parent and that the insight and expertise of the parent is valued more highly.
41. **Recommendation:** awareness raising in special needs and home education is required for the wider children's workforce, not just the lead professional in home education.
42. **Recommendation:** awareness raising on the law, Code of Practice and case law on special educational needs and home education is required for the wider children's workforce, not just the lead professional in home education.
43. **Recommendation:** that the Home Education Committee carries out an audit of services available to home educated children with special needs and makes recommendations to the DCSF based on a report from these findings.
44. **Recommendation:** that the Home Education Committee call for evidence from local authorities and from home educating families on arrangements made for reviewing and maintaining statements of SEN and that the

Committee make recommendations to the DCSF based on a report from these findings.

45. **Recommendation:** that the Home Education Committee call for evidence from local authorities and from home educating families on arrangements made to carry out the Common Assessment Framework.

## Common Factors in Good Practice

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These are common factors that have been identified by Education Otherwise from areas where there is evidence of good practice:

- ❖ At least one person from the local authority who sees the benefit of better relations with home educators and who is prepared to meet and talk at policy level
- ❖ At least one person from the home education community who sees the benefit of better relations with the local authority and who is prepared to meet and talk at policy level i.e. somebody has to go out on a limb but they have to be able to carry the local home education community with them
- ❖ Supportive/non-obstructive management at LA level
- ❖ Networking within the home education community
- ❖ Awareness raising about the positives of home education at LA level
- ❖ Awareness raising about the positive LA initiatives within the home education community
- ❖ More opportunities for home educators and local authority officers to meet each other collectively. This could be in the form of drop in sessions or termly meetings on collective basis. It can also be supplemented by in the form of a newsletter (email/hard copy) from the LA home education consultant to all the home educators on their books.
- ❖ The process has been described to local authorities as giving home educators the opportunity to walk round them and sniff them and watch other home educators interacting with them and generally making sure the LA officers are "safe".
- ❖ Local authority finding out what local home educators actually want (drop-in and quarterly meetings are also a good way to ascertain this)
- ❖ Local authority sharing information and facilities with home educators eg in terms of access to exam centres via Pupil Referral Units, access to Advice and Guidance re careers, access to information about work experience. Again drop-in sessions and quarterly policy meetings are useful for brainstorming and also for giving feedback and reassurance.
- ❖ Positive feedback loop: both sides can see that their work is making a difference
- ❖ A tried and tested system for what to do if things go wrong. A point of contact/way to make informal complaints and address grievances. EO has repeatedly seen progress falter because an Education Welfare Officer

overstepped the mark or a social worker acted inappropriately or appears not to have been briefed about the legalities of home education.

- ❖ Awareness of and sensitivity towards home education where children have special educational needs, particularly children on the autistic spectrum. An understanding of the limits of a statement.

## Common Factors in Bad Practice

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These are common factors that have been identified by Education Otherwise from areas where there is evidence of bad practice:

- ❖ The home education inspector works in isolation and is difficult to reach
- ❖ There appears to be no accountability
- ❖ There appears to be no way to address a grievance or make a complaint or even raise an issue with a line manager
- ❖ The local authority may employ a seemingly random variety of different people, so there is no continuity and no opportunity to establish relationship of trust
- ❖ Contrariwise to point 4 the local authority may retain the same person for a number of years whose attitude and working practices appears entrenched rigid and inflexible and where it seems there is no hope of making progress unless and until this person leaves the post
- ❖ The local authority hyper focuses on "inspection" and the sole interaction is on a private one-to-one basis with individual families.
- ❖ There is insufficient awareness of issues raised by home education and children with special educational needs and individual families are overburdened with intrusive monitoring and unreasonable demands being placed on the family. Typically there will also be a lack of joined-up thinking within the local authority.

(From Education Otherwise notes meeting with Home Education Review Team March 2009 (1) )

## Education Otherwise Recommendations 2007

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In 2007 we advocated move from one-to-one policing role to advice and support and information. We said DCSF should issue Advice to Practitioners to accompany the Elective Home Education Guidelines 2007. We also said there should be a Lead Professional for Home Education.

This is what Education Otherwise recommended in 2007 (2)

### **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.

In 2007 Education Otherwise also recommended that the Department publish Advice to Practitioners which would complement the new Elective Home Education Guidelines.

*"We recommend that the guidelines should be reframed as a two part document. The first part should be the Guidelines outlining the law relating to Elective Home Education including a summary of recent legislation following the 2003 Government Green Paper Every Child Matters. The second part should be Advice to Practitioners. This would follow the model of Working Together to Safeguard Children." p.30 (3)*

These recommendations have still not been implemented.

## Education Otherwise Recommendations 2009

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Please consider recommendations from 2007

1. **Recommendation:** that the local authority's role should evolve from one to one inspection and monitoring towards advisory, information and resource-based support role
2. **Recommendation:** that the DCSF continue to look at models of good practice in local authorities
3. **Recommendation:** that the DCSF should draft a companion document to the Elective Home Education Guidelines which could usefully be termed "Advice to Practitioners." or "Practice Guidance". Education Otherwise would be happy to assist in this process.

### **Committee for Home Education**

Home educators and local authority practitioners are reeling from endless consultations and repeated revisions to policy and guidance. Education Otherwise believes that an overview is essential and that there must be more dialogue between practitioners and policy makers in order to reach workable realistic well-informed solutions. We are therefore proposing a Committee for Home Education.

A total of 8 or 10 Committee members would be sought to represent the perspective of home educators, local authorities, DCSF and the Children's Workforce.

Spokespeople and policy leads from other Government Departments such as DIUS, DWP, Business, Enterprise and Regulatory Reform, the Department of Health and Communities and Local Government could be invited to share policy information and new ideas. Academics and researchers in the field of innovative education and learning would be invited to liaise with the Committee. It is likely that the Committee would also want to talk to representatives from NESTA, the National Endowment for Science Technology and the Arts.

Members of the Committee could lead a session at the annual Home Education Conference. It is envisaged that the Committee would meet at regular intervals and that agreed minutes of meetings would be published and circulated.

4. **Recommendation:** that the DCSF Elective Home Education Team should work with home education support organisations to set up a national Committee for Home Education, remit to include contributing to Government policy initiatives related to home education, contributing to Impact Assessments and making recommendations related to Home Education policy.

### **Raising awareness of home education**

If home education is more widely known and accepted, then home educated children will be able to be out and about in the community without being ostracised or intimidated. This is a strong protective factor for home educated children and young people. Home educated children are not isolated within their families. Education Otherwise believes that Government tends to treat children as objects not as subjects, and that "safeguarding" is viewed as an end in itself – something to be done to children or for children rather than as a process, a means of empowering children to protect themselves.

It should be noted that Government guidelines on School Attendance already state:

*"the authority should inform the parent of schools that are suitable for the child to attend and should also inform the parent that they have the right to educate their child at home if they chose to." (4)*

Clearly, if Government intended compulsory registration of home educated children it would be necessary to undertake a national campaign to raise awareness of the legal option of home education.

5. **Recommendation:** DCSF to raise awareness of home education as legal option. Families must be able to make an informed choice and families must be able to go about their lawful business without harassment.

### **Barriers to home educators accessing "support"/the need for reflective listening skills**

Education Otherwise believes that the Government and local authorities can only start to discover the complex reasons behind non-engagement if they try to understand the perspective of the family and are able to listen in a non-judgemental way and to take time to reflect on what they might learn from these conversations.

In some cases, support is offered but not taken up. In other cases the home educating family does not realise what is being offered or is unable to take up

the offer because of other real or perceived problems.

Home education support organisations find that people will share problems with us when they wouldn't dream of sharing with anyone they perceived to be in position to judge and to condemn their educational provision as defective.

We also believe the Government needs to consider the wider implications of local authority officers visiting the family home. If a family chooses to provide information by allowing a home visit, they should be reminded that they are entitled to have an advocate present and the local authority official may want to take advice on the safety of visiting a home unaccompanied. Up to date CRB checks should also be available to view on request.

6. **Recommendation:** that the DCSF work with home education support organisations and local authority representatives to understand the barriers to home educating families accessing support.

### **Home educated children and young people excluded from Government initiatives such as the Home Access Scheme for PC/broadband**

The Home Education Review asks for ideas about "support for home educated children." Education Otherwise receives regular updates from the DCSF Press Office outlining new Government initiatives and offers for all children. Education Otherwise invariably requests further information and these offers always turn out not to be available to home educated children. One conspicuous example would be the Home Access scheme to provide PC and internet access to all family homes.

DCSF wrote to Education Otherwise on November 6th 2008 that *"this initiative is designed to support young people in accessing school and LA resources such as learning platform content outside school hours and to be able to extend their in-school learning into the home without a change in format or access arrangements. In addition it would help parents with children in school to engage better with their child's learning by giving access to online reporting and attendance data. None of this would apply to home educated children since as a result of parental choice which has been made, learning is an integral part of their home life and as such there would be no case for the Government to intervene."* (5)

7. **Recommendation:** that the Home Education Committee undertakes to review all such initiatives in the light of Every Child Matters including home educated children.

### **Contact details for home education personnel in each local authority**

The DCSF Elective Home Education Team does not keep a list of EHE advisors in each authority. EO has asked on a number of occasions for DCSF to compile a list and we have spoken to local authorities who want the Department to be able to contact them directly. It would also be extremely helpful if councils could publish clear contact information on council websites and in council leaflets.

8. **Recommendation:** that DCSF Elective Home Education team require local authorities to provide updated contact details for EHE personnel.

### **Lead Professional for Home Education**

Education Otherwise takes many calls from members who find themselves dealing with a range of education and health professionals, from paediatricians, educational psychologists and special needs co-ordinators through to social services and education welfare particularly where there is a threat of a School Attendance Order being served. In all this, the family will not be able to establish who takes precedence, where questions originate, which demands are legitimate and where answers or information should be sent. This is confusing and extremely stressful for the family.

9. **Recommendation:** that the Lead Professional for Home Education be given overall responsibility unless the family is specifically notified of an alternative arrangement.

### **Home Education Impact Assessment**

Home education is not recognised as a factor when Government policies are being drafted. This alienates the home education community, produces unworkable policies and procedures and contributes to an adversarial relationship between local and national government and home educators.

An example would be the policy document in 2007 on the subject of raising the age of participation in education to 18. The Government's initial proposals re-defined education exclusively as working towards accredited qualifications within a recognised institution and would have outlawed home education. This type of oversight was unnecessary and damaging and should not be repeated. We gather that the consultation process is designed to iron out these drafting mistakes but all too often the draft is taken as a definitive steer on policy.

10. **Recommendation:** that an Elective Home Education Impact Assessment should be carried out across all government departments where policy may affect children schools and families: eg Department of Health, Department of Communities and Local Government, the Home Office, the Foreign and Commonwealth Office, the Department of Work and Pensions, the Ministry of Justice, the Department of Innovations Universities and Skills.

### **Home Education Conference: Putting Children First**

Education Otherwise would like to work with other interested parties to organise an annual Home Education Conference. The purpose would be to celebrate home education and to raise awareness of home education issues. Amongst other discussion themes, the first conference will explore the issue of safeguarding within community-based education, where the child is the subject and not the object.

When we consider risk factors and protective factors, strong relationships with parents and with other significant adults is a protective factor. The child and the family engaging with the local community is a protective factor. Home educated children are not isolated within their families and home educated children know other adults outside the family to whom they could turn for help, advice and support. Education Otherwise believes that this vital aspect of home education is poorly understood by laypeople and professionals alike.

11. **Recommendation:** that the DCSF issues travel bursaries for local authority elective home education professionals and other interested parties within Children's Services to attend the Home Education Conference

### **Families accessing services rather than individuals "needing support"**

Home educators prefer to talk about "accessing services" rather than individuals "getting support". There are two issues here. Firstly the notion of "support" is patronising, does not empower the individual and does not meet the family's needs on the family's own terms particularly when refusal to accept "support" provokes heavy-handed Government intervention. Secondly, as we have outlined elsewhere, home educating families are frequently excluded from Government services and initiatives which are promoted as being available to all children or all families.

12. **Recommendation:** that the DCSF, local authorities and representatives from the wider children's workforce, particularly social services, work constructively with home educators and home education support organisations to remove the stigma to asking for help/support.

### **Drop-in facility for home educators**

The benefits of drop-in facility for home educating families cannot be overstated.

If more local authorities had drop-in facility for home educators then this would break down barriers to communication. It would promote the 5 outcomes of Every Child Matters in terms of a dialogue with a hard-to-reach group excluded from the usual funding streams; it would enable local authorities to find out what home educators actually want and it would provide social and networking opportunities for home educating families. Education Otherwise has already invited the Review Team and the DCSF to look at models of good practice in Milton Keynes, North Yorkshire and Somerset.

13. **Recommendation:** that the DCSF make funding available for a 1 year pilot project to provide a community-based drop-in facility for home educating families

### **Take home education out of "problem" category**

Home education tends to be regulated by people who deal with problems, such as school attendance, behavioural issues, education welfare or vulnerable children. We believe this is unhelpful and we recommend that "home education" should simply become a subset of "education" within Children's Trusts. This may seem a relatively trivial point, but Education Otherwise has received numerous complaints and anxious queries from parents who receive letters from "School Improvement Officers" or "Attendance Enforcement Officers" or "Behavioural Services."

14. **Recommendation:** that "home education" is removed from the prejudicial areas of vulnerability and dysfunction and becomes a subset of "education" within Children's Trusts.

### **Seek views from home educated children**

Home educated children and young people are inadvertently excluded from local and national initiatives. There is no agreed protocol for seeking the views of home educated children and young people.

There is no agreed protocol for informing home educating families about government initiatives and very little provision is made for input from home educated children and young people. Promotional material, questionnaires and focus groups are all directed at children in schools and in organised groups such as youth clubs and minority ethnic groups.

Following the Home Education Review investigation into support for home

educating families, it would be beneficial for DCSF project leaders to include the DCSF Elective Home Education team, local authority Lead Professionals for Home Education and national home education support organisations in any circulars about new projects.

15. **Recommendation:** that the Home Education Committee establish protocols for national and local Government to seek the view of home educated children and young people with respect to government initiatives such as new play areas, myplace, Youth Opportunities Funding.

### **Regional legal workshops on home education**

Education Otherwise plans to organise a series of regional home education workshops covering the most frequently asked questions such as what is the law on home education, how do home educators take exams, how do home educators meet. We will be asking local home educators for recommendations on whom we should invite from local authorities.

16. **Recommendation:** that the DCSF and the Children's Workforce Council promote the benefits of attending regional home education workshops to local authorities and that the DCSF assists in provision of a training budget

### **Training and awareness raising in home education across the Children's Workforce**

Education is a process and we need to take the long view about the "outcomes". We have made it clear to the Review Team that we take exception to the DCSF talking about "ensuring the 5 ECM outcomes" as though these are valid criteria for measuring or assessing an individual child's home based-education.

Education Otherwise has countless examples of health workers accident and emergency interrogating families about home education instead of treating the child's medical needs. We hear via our Helpline, Local Contacts and support lists of many instances where social workers, paediatricians, Health Visitors and other members of the Children's Workforce try to control or dominate the home education process and also exert pressure on the family to get children back into school, including threatening to issue School Attendance Orders. Another strategy is for someone within the authority to call for a Child Protection Conference, citing home education as aberrant lifestyle choice which is potentially damaging to the children and jeopardising their life chances.

Many home educators have also told us that sending their child to school is putting their child into a bullying situation and as one home educated child commented "school teaches you to fear or disrespect adults".

One parent commented to us that “the home education community picks up the pieces from the system where children weren’t safe and weren’t enjoying or achieving.” A member wrote to ask us “why is abuse not picked up in schools?”

*A member wrote to us saying that "home educating families talk all the time and we listen all the time. We let our children be children and we help them move towards adulthood in their own time. I can't understand why home education is being questioned when this country has some of the worst statistics for miserable and depressed children who go to school."*

Being a single parent is a risk factor for this type of pressure as is low family income or having a child with special educational needs. We believe that this level of prejudice is unacceptable and that it stems from a lack of awareness and understanding about law, practice and positive outcomes in home education.

17. **Recommendation:** Education Otherwise and the Home Education Committee to liaise with the Children's Workforce Development Council and the DCSF to make available a budget for training. DCSF to stipulate that anyone dealing with home educating families either has had prior training in home education themselves or will be required to seek further information on home education at the point of first contact

### **Training in home education for legal departments, solicitors and the Ministry of Justice**

Education Otherwise Helpline, Local Contacts and internet support lists receive frequent calls for help in dealing with local authority personnel who do not have in-depth knowledge of the law on home education. Education Otherwise believes that a steer is needed at national level, with the need for a clear Government website summary page on the law relating to home education.

18. **Recommendation:** training in home education law for legal department at national and local government level

Education Otherwise takes many calls from anxious parents, particularly lone parents, who have been told by solicitors that it is neither legal nor desirable for children to be educated at home. We also hear of many solicitors who mistakenly believe that home education necessarily means “school at home” and who are conspicuously unaware of the diversity of learning styles and educational provision within home education. Home educating families have encountered prejudice and misinformation about home education at all levels of the legal profession. Education Otherwise recommends a programme of training and awareness raising and would be happy to meet with DCSF legal team to assist with drafting expert information on the law and home education.

19. **Recommendation:** training for solicitors in home education
20. **Recommendation:** fact sheet for solicitors, not just about law but also about home education in general.
21. **Recommendation:** raise awareness about home education among judges and magistrates
22. **Recommendation:** DCSF and the Home Education Committee should raise awareness of home education with the Ministry of Justice.

### **Investigation into offrolling**

The issue of “off-rolling” is frequently raised by local authorities. As a solution to the difficulties associated with suspending or excluding problem pupils or pupils with a poor attendance record, we have been told that staff and education welfare officers in some schools actively encourage parents to de-register the children. In some cases, Education Otherwise has been told of pre-printed deregistration letters being handed to parents. Education Otherwise has not been able to find families to whom this has happened, but since it is reported regularly by local authorities Education Otherwise believes that the Home Education Committee should undertake an investigation and call for evidence.

23. **Recommendation:** to ask the Home Education Committee to investigate the issue of off-rolling.

### **Investigate impact of regulation and inspection of independent educational provision**

Education Otherwise has established that section 92 of the Education and Skills Act is expected to come into force from September 2010, following a consultation on regulations during 2009.

DCSF has stated that “where home education takes on the characteristics of a school- that is, more formal arrangements which operate in pooled settings for periods above the thresholds [ ] outside of a family home and use tutors instead of parents- then there may be a requirement to register as an independent school.” (6)

24. **Recommendation:** to ask the Home Education Committee to investigate the implications for home educators of the proposed regulation and inspection of independent educational provision, paying particular attention to the impact on children with special educational needs

### **Information about services offered by local authorities**

Sadly, some councils may still prioritise “inspection” or “assessment” over “support”. For example, some councils pay a contractor to carry out a one-to-one inspection service for the authority which consists of house calls or “home visits” to individual families.

However, we are aware that some local authorities offer access to exam centres at Pupil Referral Units or will take up the exam centre issue with local schools, some have careers advice and guidance sessions, some publish a termly newsletter for home educators, some have virtual learning or other online curriculum resources, some run drop-in sessions, some provide references for college, some are able to assist with work experience, some pass on information about special needs support services, some have information about Gifted and Talented schemes, some will assist with the Child Benefit Office for post 16 CB entitlement and so on.

Education Otherwise will be contacting local authorities, offering to publicise and raise awareness about services the authority offers to home educators in their local area. We are aware that local authorities are very restricted in what they can make available to home educators because of funding constraints.

We will also gather information via our Local Contacts network, our bimonthly newsletter, our internet support lists and our website.

25. **Recommendation:** that Education Otherwise researches, publicises and shares information about services offered to home educating families

### **Investigation into local authority circulation of information to home educators**

At present, the Government does not require local authorities to circulate government information to home educators who are known to them. This is paradoxical if national and local government are insisting there is a benefit to engagement and a disadvantage to non-engagement.

For example local authorities have not routinely informed home educators about shielding arrangements for Contactpoint. Local authorities have not routinely circulated information about immunisation to home educating families. Local authorities do not routinely make the School Nurse service available to home educating families. Local authorities do not routinely make the Schools Libraries Service available to home educating families.

26. **Recommendation:** that the Committee audit local government practice in circulating information to home educating families

### **The benefits of voluntarism versus the disadvantages of compulsion**

Education Otherwise believes that the DCSF should take a pragmatic approach to assessing the benefits of voluntarism over compulsion. There are huge benefits to voluntary relationships between the home educating family and the local authority. Where families feel respected and valued, they are far more likely to want to engage in dialogue with the authority. We have recommended to the DCSF a number of models of good practice which we believe illustrate this thesis.

Ian Dowty, home educating barrister has stated categorically to the Review Team that **"there is no need or justification for reversing the burden of proof."**

On the other hand, where families feel attacked or undermined, they will react defensively and an adversarial position is likely to become entrenched on both sides.

Education Otherwise believes that any move towards greater compulsion would not improve the situation in hard cases and would adversely affect the majority. The law is a blunt instrument and compulsion would not empower children or promote children's rights.

There is evidence indicating the damage and trauma caused by "false positives" where a family is pathologised. The following is taken from North Yorkshire Serious Case Review Executive Summary January 2009:

*"Social workers are very aware of the gravity of the risks that can arise from flawed child protection interventions. In particular, that a perpetrator of abuse is not identified and so protective action is not taken when it should have been. The nightmare is that a child will then suffer repeated abuse which might have been avoided.*

*But there is much less attention to the contrasting risk. That is that parents who present no risk to their child feel that the sense of confidence, privacy and "wellness" which they need in order to nurture an infant effectively is severely damaged in the process of enquiry." (7)*

27. **Recommendation:** that the Home Education Committee assess the benefits of voluntary engagement with particular reference to models of good practice

### **Investigate impact of raising participation age to 18**

The participation age is being raised in two stages, to 17 from 2013 and to 18 from 2015. We also understand that the Learning and Skills Council will be abolished by April 2010 and that local councils will take on the responsibility for

commissioning and funding education and training provision. Education Otherwise has been following the implementation schedule for the Education and Skills Act. We have a number of unanswered questions about how these measures will combine to affect home educated young people from 2010 onwards and particularly from 2013 when the participation age is raised to 17.

**(8)**

28. **Recommendation:** to ask the Home Education Committee to investigate the impact of raising participation age on home educated young people. What will be the role of the local authority in relation to home educated young people 16-18?

### **School of the future?**

What might the school of the future look like? Would it necessarily be a physical building? At present the law permits for "regular attendance at school or otherwise". The latter category includes elective home education, children educated at home where the family has not succeeded in getting a place at first choice school, young people under 16 attending college and young people in local-authority alternative provision including excluded pupils at Pupil Referral Units. It also includes children and young people receiving home tutoring from the local authority or engaging in a NotSchool virtual learning programme. At present there is no funding for home education and funding does not follow the child. However, it has recently been stated in the House of Lords that:

*"If the LA has financial responsibility and makes exceptional provision for the pupil to be home educated then the LA could claim the GUF [Guaranteed Unit of Funding per pupil or per capita funding]. This is, however, likely to be a very exceptional circumstance as Section 19(2B) makes it clear that LAs can set up pupil referral units which are schools specially organised to provide education for children referred to in Section 19(1) [ of the Education Act 1996]"* **(9)**

We are also aware that Clacton Council has recently given a grant of £10,000 to a group of home educating parents to pay for a private tutor **(10)** .

29. **Recommendation:** that the Home Education Committee investigates and reports on initiatives such as Notschool and Second Life.

### **Investigate barriers to flexischooling arrangements**

Education Otherwise receives many enquiries about flexischooling, which is where the child or young person remains on the school roll as a registered pupil but is also educated at home for part of the time. We have published our own factsheet on flexischooling which was last updated in June 2008. From the calls taken by our Helpline and queries received by our local contacts and internet

support lists, it would appear that many headteachers are unaware that flexischooling is a legal option. We believe that parents and local authorities would welcome clear signposting to the relevant Government guidance. (further information (11) )

30. **Recommendation:** that the Home Education Committee investigate the barriers to flexischooling arrangements and publishes a short factsheet on the main considerations for schools and local authorities

### **Audit qualifications open to home educated young people and examine barriers to participation**

The Home Education Committee to initiate discussions with exam regulators, awarding bodies, LSC and new regional funding and commissioning bodies to examine the impact of 14-19 reforms for home educated young people particularly in the area of modular learning. There is a need to make information on examinations and qualifications freely and easily available to all private candidates.

31. **Recommendation:** that the Home Education Committee should review qualifications such as GCSEs, IGCSEs, ASDAN, Key Skills, Open University and the European Computer Driving Licence.

### **Access to exam centres for private candidates**

Education Otherwise and the Home Education Advisory Service have been working in partnership with the Independent Schools Council to raise awareness of home educated young people's difficulty in finding somewhere to sit exams. Questions about exams and exam centres dominate enquiries to our Helpline and our internet support lists. We are hoping that the ISC will be able to encourage member schools to offer services to home educating families, many of whom are on a reduced income.

Education Otherwise is also aware of a limited number of local authorities who have made facilities available for home educated young people to sit exams as private candidates. We have flagged these up to the Review Team in our models of good practice, which include Milton Keynes, North Yorkshire and Somerset.

However, we would like to report that Education Otherwise receives many complaints and requests for help from home educating families who are incredulous at the hands-off approach regarding private candidates taken by DCSF towards local authorities and maintained schools.

32. **Recommendation:** that the Home Education Committee conducts an audit of access to examination centres for home educated young people taking GCSEs and IGCSEs as private candidates

### **Key Skills Accreditation**

A few local authorities signpost home educators to information about qualifications and accreditation in the area of Key Skills such as those provided by ASDAN. Much more could be done in this area.

33. **Recommendation:** that the Home Education Committee investigates ways in which home educated young people could have greater access to Key Skills provision and accreditation.

### **Access to college 14+**

Education Otherwise takes numerous enquiries about access to college for 14-16s. Many home educated young people wish to take courses at college but are consistently turned away because there is no funding from the local authority. In a very few local authorities we understand there is some discretion over managing funds but there is no consistent national policy.

34. **Recommendation:** to ask the Home Education Committee to investigate barriers to home educated young people accessing college at 14.

### **Connexions/Careers Advice Service/Independent Advice and Guidance**

Education Otherwise is aware that some home educators have engaged with the Connexions service but that in other cases there are huge issues around confidentiality and data sharing. Home educating families have also experienced lack of awareness about home education amongst Connexions staff. We have also heard reports that some Connexions staff have rigid views on the necessity of GCSEs. This is not helpful to home educating families who may not be able to access GCSEs or who choose not to take GCSEs and who need viable information on alternative pathways to post 16 FE provision.

Education Otherwise re-wrote the pages on home education for the national Connexions website. (12)

We would like to link this to the investigation on barriers to flexischooling arrangements and to the audit of qualifications open to home educated young people recommended elsewhere in this report. Representatives from IAG services could also be encouraged to find out more by attending the annual Home Education Conference and Regional Home Education Workshops.

35. **Recommendation:** that the Home Education Committee commission a short report about qualifications for private candidates which could be sent to Connexions /IAG professionals across all local authorities.

### **Access 16+ to free eye tests and NHS vouchers if in full time home education**

It comes as a shock for home educating families to learn that entitlement to free eye tests and NHS vouchers ceases on a child's 16<sup>th</sup> birthday if the child is not attending a registered educational institution. There appears to be a postcode lottery where some opticians will provide free care but others will point to guidance from the local Primary Care Trust which specifically rules out this possibility.

36. **Recommendation:** to ask the Home Education Committee to examine barriers to home educated young people 16+ accessing free sight tests and NHS optical prescriptions (currently these are not free of charge)

### **Access to Education Maintenance Allowance for home educated young people in full time education 16+**

At present Education Maintenance Allowance is not available for home educate young people in England. Education Otherwise has attempted to raise this issue with the Schools Minister Jim Knight. We were referred to the Learning and Skills Council and had a reasonably positive meeting in 2008, where it was suggested that individual parents might be able to gain accreditation as learning providers. It is clearly discriminatory when home educated young people are engaged in full-time education with defined learning goals and yet are still unable to claim EMA.

37. **Recommendation:** to ask the Home Education Committee to examine barriers to securing Education Maintenance Allowance for young people either in full time home education 16+ or part-time home education/part-time college.

### **Implications of Vetting and Barring Scheme**

Our barrister has advised us that the new vetting and barring scheme could have implications for home educating families making private arrangements for tuition and work experience.

38. **Recommendation:** to ask the Home Education Committee to examine impact of new Vetting and Barring legislation on eg tuition groups and on work experience for home educated young people. (13)

### **Child Benefit, Tax Credits and Jobseeker's Allowance for home educating parents**

It is possible for single parents to claim Jobseeker's Allowance while home educating and an increasing number of home educating parents may do so as the age threshold for Income Support is lowered. It is also possible for parents to claim child benefit and tax credits in cases where children are home educated after the age of 16. It is not necessary to attend FE college to be classed as "in full time education" nor is it necessary to be taking examinations. JobCentre staff, local tax offices or the LA Home Education Advisor may be unaware of benefit and tax credit regulations.

39. **Recommendation:** that home education support organisations work with local authority representatives and with Government departments to produce a factsheet with authoritative information about benefits and tax credits related to home education. The factsheet would also be easily available online.

## Special Educational Needs (SEN)

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### Introduction

Children with special educational needs are even more likely to be perceived as the object of attention rather than as the subject of empowerment. We hesitated over whether to have a separate section on SEN, since the aim of home education is to put the child first and to meet the needs of the child. However, we are aware of additional obstacles faced by families where a child has special needs, difficulty or disability and we wanted to try and address some of these here.

These are our specific recommendations with respect to home education and special educational needs:

40. **Recommendation:** that professionals listen to the parent and that the insight and expertise of the parent is valued more highly
41. **Recommendation:** awareness raising in special needs and home education is required for the wider children's workforce, not just the lead professional in home education
42. **Recommendation:** awareness raising on the law, Code of Practice and case law on special educational needs and home education is required for the wider children's workforce, not just the lead professional in home education
43. **Recommendation:** that the Home Education Committee carries out an audit of services available to home educated children with special needs and makes recommendations to the DCSF on a report from these findings
44. **Recommendation:** that the Home Education Committee call for evidence from local authorities and from home educating families on arrangements made for reviewing and maintaining statements of SEN and that the Committee make recommendations to the DCSF based on a report from these findings
45. **Recommendation:** that the Home Education Committee call for evidence from local authorities and from home educating families on arrangements made to carry out the Common Assessment Framework

One home educating parent told us:

*"children with SEN in schools are often very stressed and have difficulty therefore in many parts of their education and it reflects often in their behaviour/situation at home but overwhelmingly families who deregister their SEN children find when they take school out of the equation the stress levels drop amazingly and as the family and in particular the child feel that they are more in control of the situation they begin to thrive. We see this repeated over and over..."*

As one home educator said *"There's a feeling out there that having a disabled or special needs child will be unbearable for the parent, that the parent will just not be able to cope, and we need to challenge that perception because it's simply not true. "*

Another parent told us *"everyone thinks they're an expert with my son. They have opinions about everything. They don't take account of the fact that I'm his mum."*

We are continually hearing from home educating families where the child is on the autistic spectrum and a member of the children's workforce is attempting to impose their own rigid ideas about "normal behaviour" or "socialisation" or "the necessity for educational timetabling because Autistic Children Want Structure". Every aspect of the family's life becomes the subject of intrusive monitoring and surveillance with the ultimate threat that the child could be forced into school or could be removed from the family.

### **Statements of SEN**

Statements of special educational needs are not designed for the home education environment and the Special Education Code of Practice was not drafted with home education in mind. Education Otherwise takes many calls from home educators whose local authorities appear to believe that the provisions in the statement apply specifically to education in the home provided by parents whereas in fact the Government has stated:

*"The term "suitable arrangements" does not mean having to specify exact arrangements in the child's statement. However, the authority must satisfy itself that the arrangements put in place by the parents are suitable to meet the needs of the child. Where that is the case, the authority is relieved of its duty to arrange for provision as specified. If, however, the arrangements fall short, then the authority is not absolved of its responsibility. However, the authority could, for example, itself make some provision to help the parents to put in place suitable arrangements. Furthermore, even where authorities are satisfied that arrangements are suitable, they will still have a duty to maintain the child's statement and to review it annually." (14)*

### **“Accessing services” rather than “needing support”**

We believe that many home educators would prefer to be described as “accessing services” rather than as “needing support.” There are connotations to the word “support.”

As one home educator put it *“access is meant to be voluntary but support sounds like you need it.”*

As example we have been given recently is where home educated young people have dyslexia. There is currently no funding for an educational psychologist to make the necessary assessment.

As one home educating parent with a disabled child put it *“in a perfect world we want to access help and services. We want information about how to get things but sometimes the things we want just aren’t there.”*

Some home educators with disabled children have great difficulty accessing health services and require very specific disability help. Families want to be able to choose. In the past the children may have had treatment or services imposed on them which simply haven’t worked.

Home educating parents with disabled and special educational needs children want contact with people who respect their values and expertise. It is conceivable that there might be a role for the Lead Professional in Elective Home Education to act as an advocate but we are not aware that this has yet been tried.

### **E-CAFs**

However, all home educating families who request or are judged to be in need of services will be subject to an electronic Common Assessment Framework or E-CAF which is felt by some families to be potentially hugely intrusive to the privacy and dignity of the child or young person and also to other members of the family. Families are told that the CAF is voluntary but that services will not be forthcoming if the CAF is not completed. Families are further informed that refusal to co-operate with the CAF process could trigger Child Protection proceedings. (15)

### **Disability and vulnerability**

Parents who educate their children at home have made a decision to care for their children at home. In very many instances the family has evidence that the children were not safe in schools and their needs were not being met in schools. The children are safer at home. Disabled children who are home educated are no

more likely to be vulnerable at home than are non-disabled children who are home educated.

“82% of children with learning disabilities are bullied”

“58% had been physically hurt by bullies, while 27% said they had been bullied for three years or more. Some 36% of the children surveyed said the bullying did not stop when they told someone.” **(16)**

## Conclusion

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It was impossible not to feel attacked by the way the Review was launched but we have now spent 3 months debating and discussing ideas and there is a wish from many people to move out of the trenches. We have put forward a number of positive ideas including committee, conferences, workshops, awareness-raising and training. We believe there must be more dialogue, more understanding of the others' perspective, and we also believe that we need to look at what works.

We believe that there are widespread misconceptions at all levels of society about home education and that there are many barriers to home educating families accessing services. We also believe that there are serious communication problems between national and local government with respect to home education policy and practice.

When the Elective Home Education Guidelines were published in 2007 there was no way to inform EHE staff, including consultation participants who had supplied contact details and who asked to be kept informed. Many of these people remained unaware for months and months that the new Guidelines had been published.

It is our understanding that the 2009 Home Education Review was precipitated by responses to the 2008 consultation on "Children at Risk of Not Receiving Suitable Education". Revised Statutory Guidance was published simultaneously with the announcement of the Home Education Review.

From our reading of the "Missing Education" consultation responses, we believe there is a flawed and partial understanding in some quarters about section 4 of the Education and Inspection Act 2006 which has led to the publication of statutory guidance (17) which is not helpful in clarifying the law.

Education Otherwise is happy to assist in the process of revising the "Missing Education" Guidance. We would also recommend that DCSF consult barrister Ian Dowty who has trained local authority staff in home education law and has also represented home educating families in legal cases.

In its turn, the "Missing Education" consultation was prompted by speculation on the part of several witnesses to the Home Affairs Select Committee (18) that home education could conceivably be used as a cover for forced marriage.

Education Otherwise thoroughly investigated these claims and was unable to find any evidence base for these speculations. These investigations are thoroughly documented in our response to the "Missing Education" consultation (19).

In addition Education Otherwise raised concerns about hearsay and speculation on the part of the London Safeguarding Board in relation to home educated children. We are not aware that anyone has seen evidence from the London Safeguarding Boards, although several consultation respondents including the NSPCC alluded to the London allegations as though they were a matter of established fact. We will be requesting that arrangements are made to disclose any evidence from the London Safeguarding Board to barrister Ian Dowty for consideration.

Communication problems are ongoing between the Department and local authorities. When the Home Education Review was launched, a number of local authorities only learned of the questionnaires via Education Otherwise and even more authorities were unaware of the simultaneous revised Guidance on Missing Education, since the DCSF does not routinely inform consultation respondents of the outcome and the email notification system on the consultation website has been out of action for well over a year.

As far as we can ascertain, the Review team worked with DCSF to circulate the Review information to the lead member for Children's Services but the information was often not passed to the relevant person on the ground, especially given the very limited time scale.

There was a further technical hitch with the Review questionnaire in that the pages could not be saved, printed or retrieved. This caused some local authorities to fail in submitting a response.

It was also hugely unclear what the status of "the Review" was and whether it was a consultation, since it was published on the DCSF consultation website. However, despite these unpromising beginnings, many people were still able to make a contribution and we understand that the Review team has met a number of interested parties.

At the time of writing in April 2009 Education Otherwise understands that the Panel (20) is about to meet with the Review team in order to act as a sounding board for emerging findings and recommendations.

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## Contacts

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Fiona Nicholson, Chair Government Policy Group  
[governmentpolicy@education-otherwise.org](mailto:governmentpolicy@education-otherwise.org)

Christine Waterman, SEN Contact  
[disabilityawareness@education-otherwise.org](mailto:disabilityawareness@education-otherwise.org)

Ann Newstead, Media Spokesperson  
[media-spokesperson@education-otherwise.org](mailto:media-spokesperson@education-otherwise.org)

Education Otherwise Association Ltd  
PO Box 325  
Kings Lynn  
Norfolk, PE34 3XW

<http://www.education-otherwise.org>