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**From:** [Stephen.BISHOP@education.gsi.gov.uk](mailto:Stephen.BISHOP@education.gsi.gov.uk) [<mailto:Stephen.BISHOP@education.gsi.gov.uk>]

**Sent:** 06 October 2014 08:19

**To:** Dodd, Jenny (Entrust)

**Cc:** [Tracey.SHIELD@education.gsi.gov.uk](mailto:Tracey.SHIELD@education.gsi.gov.uk); [Helen.Sadler@leicester.gov.uk](mailto:Helen.Sadler@leicester.gov.uk); [Stephen.BISHOP@education.gsi.gov.uk](mailto:Stephen.BISHOP@education.gsi.gov.uk)

**Subject:** RE: 2007 EHE Guidelines: Stafford meeting

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Dear Jenny

Thanks – this is very helpful to have the document now. I had an interesting discussion at an ADCS committee meeting on 22 September

I will be in touch at the start of November just to confirm times etc, but Tracey and I look forward to seeing you and your colleagues on the 21<sup>st</sup>

Stephen

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## **Elective Home Education: Guidelines for Local Authorities**

This document should be the basis for supporting Local Authorities to develop their policies and strategies in meeting their statutory duties with regard to Electively Home Educated children and young people and was written in 2007. Many similar guidelines from central government have been recently updated (CME, Attendance, Safeguarding and SEND etc.) and in anticipation that this will happen with the EHE guidelines, The West Midlands Forum for EHE officers have collated these suggestions which may assist with any such future update.

The guidelines are detailed but without clarity. The document is long and ambiguous in parts leading to various interpretations. Local Authorities and home educators need the guidelines to be clear and accessible to enable them to fulfil their roles effectively in the best interests of the home learners. Many aspects of the ambiguities could only be changed by a change in law. Some ambiguities could be resolved by citing case law which has set precedence of future expectations.

The voice of the child is not implicit in these guidelines.

### *Part 1*

1.3 Consider that it states clearly the statutory responsibilities, the legislative and roles and responsibilities of LA's and parents

1.4 Not necessary

### *Part 2*

2.3 not clear what 'efficient' education is - better if quote full case law based on Harrison case what court deemed efficient: Harrison & Harrison versus Stevenson 1982:

"While it was accepted that autonomous learning was recognised by educationalists as legitimate, the court added: In our judgement "education" demands at least an element of supervision; merely to allow a child to follow its own devices in the hope that it will acquire knowledge by imitation, experiment or experience in its own way and in its own good time is neither systematic nor instructive ... such a course would not be education but, but at best, child minding."

It elaborates and court held:

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"We regard the fundamental academic skills of writing, reading and arithmetic as fundamental to any education for life in the modern world – essential for communication, research or self education. We should not in the ordinary case, regard a system of education as suitable for any child capable of learning such skills, if it failed to instil in the child the ability to read, write or cope with arithmetical problems, leaving it to time, chance and the inclination of the child to determine whether, if ever, the child ever achieved even elementary proficiency in these skills.

IMPORTANT to quote:

Efficient education should include a systematic approach to learning the basic skills of reading, writing and numeracy.

2.4 Needs to say efficient & suitable end of paragraph – what is DfE's interpretation of full-time education? Registration would be good but would involve a change of law. Possibly look at all children of statutory school age being registered with LA.

2.5 Legal position needs to spell out and not left to interpretation. Needs to include the interpretation of what an efficient education is as defined in case law by Harrison and Harrison versus Stevenson as above

2.6 Very confusing and needs re-wording 'as far as possible.' Section – CME identify EHE determine suitable education. Last sentence causes a great deal of confusion and damage to fragile relationships with community as there is an extremely hostile element.

New CME document November 2013 last sentence doesn't appear to relate to the new CME document and can cause charities to actively dissuade families to engage with LA's

2.7 Need information in guidance of HOW – it's going to appear to LA that education is not suitable

Also perhaps clarify definition of routine monitoring

It would be helpful if it stated in black and white that LA's have the right to ask for information

2.8 add in 'insufficient' and 'parents are in breach of their duty' and give reasons for request for information. Most obvious course of action if the LA has (suggest adding) insufficient information that makes it appear that parents are not providing a n efficient and suitable education – in other words in breach of their duty

In last sentence state why it would be sensible for parents to provide information or explain to LA's why not spelled out

2.9 Very clear – the LAW

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2.10 'reasonable steps' give examples of what these could be (Consider: -comment on letter on Education Otherwise website suggesting "educational work is property of child and won't share with LA and as well it states it is neither the LA duty, nor right to pass the home education as satisfactory, but rather to act if it appears that I am failing in my duty to provide a full time education suited to my child's age, aptitude, ability and special educational needs. Should a court decide whether this is the case, it will be my task to present such information and evidence as would be sufficient to convince a reasonable person, on the balance of probabilities only, that a suitable education is taking place. The Court will receive evidence in any reasonable form. I consider that the information I have already supplied to you is sufficient to fulfil this criteria.")

2.12 Concern – safeguarding/welfare of children – this means that it's no-one's responsibility to see child is safe and well. Children can go under ground – Kyra Ishaq?

Who and how? Exemplar parent provides written information child no where to be found, no-one would know

2.13 Needs to be taken out as it is no longer relevant under the present government

2.14 Can be used by parents who don't fully understand the roles of EHE officers and safeguarding teams – consider a reword

2.16 Need child's voice as they can sue parents if believe they haven't received an efficient education so in turn the LA but this isn't about service it's about the rights of the child

2.17 mentions Contact Point – non existent

### *Part 3*

3.1 Very concerned here as we agree consult with home Ed and organisations for positive engagement but have real concerns that some of these charities organisations are actively discouraging and frightening those new to home education not to engage with the LA – believe that these organisations need to be held to account if it then discovered that the child is not receiving an efficient education.

Need some form of Quality Assurance of these organisations as 3.12 null and void as charities are not encouraging trusting relationships

3.3 This has training implications and LA officers would prefer professional training rather than charities/individuals set themselves up as trainers. This is where the setting up of a national body will be vital; ability to invite Daniel Monk and others.

3.4 Give an indication of time scales, possibly a flow chart of process. Unclear meaning/interpretation "if it appears" for example the LA has insufficient information to determine ...

Ensure that it is clear that where the guidance states "**should**" it means must as the LA has a duty to carry out. May help home educators to be clear about what LA's must do so avoid ultra vires claims against LA officers.

This section actually states that the LA should seek to gather any relevant information that will assist them in reaching a properly informed **judgement**.

Which law underpins this? Make it clear that CME/EHE are two sides of same coin. Is this to do with the 436A Education Act 1996 inserted Education and Inspections Act 2006? If so- refer to Phillips versus Brown 1980

3.6 Too vague and doesn't consider the child's voice. Ambiguity in not allowing access to home/child is not the same as not engaging with the LA but it reads as though it is

\*3.6 could include 5.1 and 5.2 (as rest of part 5 is irrelevant)

3.7 refer to 5.1 but 5.2 could do with review in part

3.10 How is the DfE expecting us to be informed by parents at the point of coming out of school? Schools have to inform us not parents.

3.12 Concern here that schools are now seeking to persuade families as a result of attendance regulations near exclusion and where they struggle to meet child's needs especially emotional needs. Problem with insufficient number of school places (numbers trebling)

3.13 Doesn't make clear what the parents role is as educators. Better to say what parents do have to do rather than not i.e. what is an efficient education

3.13 and 3.15 needs to include case law to identify what education should include

3.16 Timescales – How long do we keep going before taking action?

3.18 Irrelevant due to new code of practice

## Part 4

4.1 Relationships tricky when EHE groups actively discourage engagement with LA

**From:** Dodd, Jenny (Entrust) [<mailto:jenny.dodd@staffordshire.gov.uk>]  
**Sent:** 03 October 2014 15:38  
**To:** BISHOP, Stephen  
**Cc:** SHIELD, Tracey; [Helen.Sadler@leicester.gov.uk](mailto:Helen.Sadler@leicester.gov.uk)  
**Subject:** RE: 2007 EHE Guidelines

(7)

7a attached

Dear Stephen,

I am looking forward to welcoming you and a colleague to the West Midlands Elective Home Education Officers Forum in Stafford on Friday November 21<sup>st</sup>. The document which is attached outlines our concerns about the current EHE guidelines. I thought it would be helpful for us to share our concerns with you prior to the forum so that we can make the most of the time available on the day.

I appreciate that you have said that you will contact me again at the beginning of November but as the document has been collated it seems prudent to share it with you at this earlier opportunity.

Best wishes,

Jenny

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**From:** [Stephen.BISHOP@education.gsi.gov.uk](mailto:Stephen.BISHOP@education.gsi.gov.uk) [<mailto:Stephen.BISHOP@education.gsi.gov.uk>]  
**Sent:** 23 May 2014 13:32  
**To:** Dodd, Jenny (Entrust)  
**Cc:** [Tracey.SHIELD@education.gsi.gov.uk](mailto:Tracey.SHIELD@education.gsi.gov.uk); [Helen.Sadler@leicester.gov.uk](mailto:Helen.Sadler@leicester.gov.uk); [Stephen.BISHOP@education.gsi.gov.uk](mailto:Stephen.BISHOP@education.gsi.gov.uk)  
**Subject:** RE: 2007 EHE Guidelines

(6)

Jenny

Thanks – we will get in touch at the beginning of November to confirm names. 11am will be good

Stephen

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**From:** Dodd, Jenny (Entrust) [<mailto:jenny.dodd@staffordshire.gov.uk>]  
**Sent:** 23 May 2014 12:28  
**To:** BISHOP, Stephen  
**Cc:** SHIELD, Tracey; [Helen.Sadler@leicester.gov.uk](mailto:Helen.Sadler@leicester.gov.uk)  
**Subject:** RE: 2007 EHE Guidelines

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Dear Stephen,

Thank-you that's amazing!

If you arrived by 11.00am that will be brilliant. Fine for someone else to attend and just so as you are aware there will be drinks and lunch available for you both. Please let me know nearer the time if either of you have any special dietary requirements?

I very much look forward to meeting you in November.

Best wishes,

Jenny

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**From:** [Stephen.BISHOP@education.gsi.gov.uk](mailto:Stephen.BISHOP@education.gsi.gov.uk) [<mailto:Stephen.BISHOP@education.gsi.gov.uk>]  
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**Subject:** RE: 2007 EHE Guidelines

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Jenny

Yes, this date is fine. I and possibly another DfE person will come. Thanks for the travel notes; probably car will be easiest as we are based in Darlington. Perhaps you could let me know somewhen what time you would like us to turn up as possibly you will have other business you want to discuss without our being there?

Stephen

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**Cc:** SHIELD, Tracey  
**Subject:** RE: 2007 EHE Guidelines  
**Importance:** High

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Dear Stephen,

Helen Sadler has passed on your contact details to me as I chair the West Midlands EHE Regional Forum. I am delighted to learn that you are happy to come up to the forum and discuss the EHE guidance document with us. The forum is taking place on Friday 21st November 2014 from 10.00am to 15.00pm. It is held at the Kingston Centre which has easy access from the M6 and is a short taxi ride from the station. If you are driving parking is available at the centre.

I do hope that this date and time is convenient to you and I very much look forward to hearing from you.

Best wishes,

Jenny

Jenny Dodd

Elective Home Education Co-ordinator  
Elective Home Education Services

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**Sent:** 08 May 2014 10:28

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Subject: RE: 2007 EHE Guidelines

2

Yes, it is below. However I am at meetings in London today.

Stephen Bishop

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From: Helen Sadler [<mailto:Helen.Sadler@leicester.gov.uk>]

Sent: 08 May 2014 09:36

To: BISHOP, Stephen

Cc: [jenny.dodd@entrust-ed.co.uk](mailto:jenny.dodd@entrust-ed.co.uk)

Subject: 2007 EHE Guidelines

1

Hello Stephen

I hope you re-call the conversation we had in the Easter holiday regarding the Staffordshire EHE Forum. At that time I explained that the Forum had agreed there were 'vaguenesses' that could be used by people, if they were so minded, to impede Local Authorities in enacting their statutory duty. I suggested to you that the Forum identify the vague areas, giving case studies of times this has been the case. You suggested you attend the November Forum to discuss our identified areas of 'vagueness.'

I have suggested this to Jenny Dodd, the organiser and host of the Forum and she welcomed the suggestion. She asked for your details so that she can invite you formally. I have copied her in so she has your e-mail address. Will you agree to me passing on your direct telephone number?

Best wishes

Helen Sadler

Helen Sadler

Home Education Adviser

Learning Services