

## Overview of Local Authority Responses

Overall, local authorities (LAs) responded positively to the consultation. Most were of the opinion that current legislation and guidance was not supporting local authorities to carry out their responsibilities effectively in this area.

The majority agreed that the recommendations were a sound balance of rights and responsibilities. Respondents suggested they strengthened and clarified local authority (LA) roles and responsibilities and recognised a parent's right to choose to educate their children themselves. However, many suggested that comprehensive guidance was urgently needed on what constituted 'efficient' and 'suitable' education. It was mentioned that it was unclear whether these proposed changes meant that parent's would still be responsible for ensuring that their children received a suitable education or whether this would become the responsibility of the LA. Some LAs suggested that currently assessments were being carried out by a wide range of personnel, and training of LA staff was key to a balanced interpretation of the proposals in practice. A few believed that the consultation had paid insufficient attention to children with special educational needs (SEN) and the consultation should have explicitly addressed education and safeguarding as two distinct areas.

All LAs strongly agreed with the need for a national register and stressed this would ensure that the information captured on all children who were home educated was consistent across all LAs. Most said this would ensure that a child was known and would not slip through the net, especially if parents moved to a different authority. Many LAs were of the opinion that a register would ensure that a child was receiving a suitable education and supported good safeguarding practices. However, it was mentioned that although it was relatively easy to maintain a list of children who were de-registered it would be more difficult to account for any child who had never enrolled in a school in the first place. Some LAs believed there would be cost implications to maintain and update a register on an annual basis. A few believed that details could be included on ContactPoint to avoid another database being set up.

The majority of LAs agreed with the information for registration, however it was suggested that there must be clearer guidance in relation to an 'approach to education' to enable LAs to interpret and make judgements. LAs asked for other information to be included:

- Would require the name and address of the previous school to assist with tracking
- It would be useful to have details of those people other than parents who were educating the child so suitability checks could be undertaken
- An SEN or disability statement should be included as this would impact on the type of education to be provided
- Add a self-assessment for parents to ensure their ability to carry out the educational delivery
- Include any history of child protection safeguarding issues and other agency involvement
- Include a record of a child's ethnicity and whether English wasn't a first language



- Should include details of who lives in the household.

A few LAs said there must be assurances that protocols on confidentiality, data security and information sharing would be followed.

The majority of LAs agreed that home educating parents should be required to keep the register up to date and said parents were ultimately responsible for ensuring that their child was educated. Most said any register would serve no purpose if it was not maintained effectively without parental self reporting arrangements. It was mentioned that the LA could send out an annual reminder to parents in terms of renewing each year.

There were slightly mixed views on the issue of making it a criminal offence for failing to register or to provide inadequate or false information. Although most LAs agreed, and said that unless it was mandatory some parents would just ignore it, others believed making it a criminal offence would be detrimental to the objectives of the proposals. Some LAs said criminalising parents must be taken in extreme circumstances only, and there should be an interim period when parents were supported before criminalisation became necessary. A few said it must be an LA duty to create awareness amongst its home educating population on the requirements of registration.

Again there were slightly mixed views on the issue of children staying on the roll of their former school for 20 days after parental notification to home educate. Most LAs agreed and believed this was a sensible 'cooling off' period which gave time to resolve any outstanding issues between parents and schools. However, many expressed concern that if the child was not required to attend school during this period then it could create false persistent absence data. It was suggested that the time out of school should be marked in a way as not to adversely affect school attendance figures. Some LAs asked for clarification on the timescales for children who had statements of SEN if the statement required an amendment.

The majority of LAs agreed that the school should provide the LA with achievement and future attainment data. Most LAs mentioned that it was imperative to know a child's baseline level of achievement if the LA was to have a monitoring and support function. Many said this also ensured that appropriate levels of education were being provided and would provide a benchmark for progression. Some LAs were unsure how this would fit in with an autonomous learning approach as it was unrealistic to use assessments against the national curriculum. A few were of the opinion that this information should be shared with the parents to assist them in formulating their educational plan and in the interest of transparency and open working relationships.

The vast majority of LAs agreed that DCSF should take powers to issue statutory guidance in relation to the registration and monitoring of home education, believing this would ensure consistency across the country.

The majority of LAs said if concerns existed about the safety of a child in the home then it would be inappropriate for home education to be allowed. Most believed the LA must be provided with the powers necessary to refuse home education for



children who were subject to child protection procedures. Many said the important word was 'substantial' and it was important that this was defined. Some said it would not be sensible to have a blanket ruling on this as much depended entirely on the nature of the safeguarding issues and must be based on each individual case. Many said it was essential that any decision was taken after discussion with social services and also after communication with other agencies such as adult services.

The majority of LAs agreed that they should visit the premises where home education was taking place, and two weeks notice was reasonable. However some asked what the determining factor was behind the 2 week time span as in many cases 2 weeks could be too short a period if the family were on holiday, or there could be very urgent reasons to visit the premises earlier than 2 weeks. Most LAs believed a home visit would provide an invaluable opportunity to meet the child and family in their own environment, assess suitability of education and would improve relationships. Many LAs had significant concerns about the extra resources they could allocate for these visits at a time when cuts in expenditure were required. A few LAs said the concept of premises in this recommendation was slightly narrow as many home educated children spent a lot of time out of the home in different learning environments. Some asked for clarity of the implications for parents who did not reply or agree to a visit from the LA representative.

There were mixed views on the issue of LAs having the power to interview children alone. Most however believed it was important that the child should be able to express their views and have their opinions considered, without the hindrance or control of the parent. However, many LAs were not sure that it was necessary to interview a child alone without a parent being present as this potentially presented further safeguarding issues. Some LAs said there would need to be clearly defined guidelines taking into account protocols for LA representatives carrying out lone visits with children. A few were concerned that interviewing a child alone placed them in a difficult position if the child subsequently made claims or accusations of inappropriate behaviour. Some LAs thought it was vital that training was provided for LA officers so they were knowledgeable about the sensitivity needed in such interviews. A few believed it was imperative that any interviews should be held in the presence of a trusted third party protecting the rights of the child and the professionalism of the LA representative.

The majority agreed with the proposed levels of monitoring. However most were of the opinion that this level of monitoring, evaluation and review would have significant resource implications for LAs and additional national funding would be required to implement such a step. Some were of the opinion that LAs must be able to apply discretion after the initial visit, especially if it had been established that good quality education provision was in place.