

## **EHE Forum – 26 June 2023**

### **Participants – 42, including WG and x4 CCfW staff**

#### Introduction from Rocio Cifuentes, Children’s Commissioner for Wales –

- Designed to facilitate a conversation and WG to provide clarity and answer as many questions as we can.
- We’ll take a note of those questions
- Please respect confidentiality and identity of participants. Asked not to record the session
- Not intended for children, very careful of their identity – not to be made visible
- Don’t have to put a full name – you can change your name now
- All that should be in the privacy notice which you will have received
- Only holding your information for session. If you don’t want a note after meeting, please contact us separately to request this
- Welsh and English contributions welcomed
- Aware there will be strong feelings. Hope for a constructive, safe and respectful conversation.
- We’ll try to get through as many questions as possible, but we do commit to getting back to all of them.

#### Welsh Government presentation - Sian Jones - Head of Supporting Achievement and Safeguarding, Welsh Government

- Very warm welcome and echo RC’s comments
- Really welcome that we can personally engage with you all on this topic.
- Will be talking through key aspects of guidance by WG via PowerPoint – we can share this PowerPoint if that would be useful
- Slide 1 includes what guidance does and does not, including: does not impose mandatory meetings on parents and children and does not monitor safeguarding
- Why guidance is statutory: as a direct response to call from previous CCfW and the National Safeguarding Board’s calls to strengthen guidance
- Determining suitability – WG said that this touches on arguably more contentious issues of guidance. We believe that the best way of determining suitability is to enable people to meet children to discuss. LA are required to have significant weight to that.
- Parents are free to refuse a meeting. It is our belief that seeing a child should form part of a wider bank of evidence authorities use in determining suitable education. There may be legitimate reasons that it’s not in the best interest of the child to see the local authority e.g. child with long term illness.
- WG acknowledged concerns about sanctions – WG noted there have always been sanctions available but they note guidance is clear that those should be at the end of an engagement process between authority and the family; it should not be a starting point. There is an opportunity for families to contest sanctions.
- There are extensive requirements on schools to demonstrate suitability of education
- Highlighted the handbook for home educators which complements the statutory guidance. Some families will be at different parts of the journey; some will be experienced home educated families; and others won’t be aware of support and resources available. There is a

wider package of support available via LAs to home educated families (e.g. opportunities to sit examinations in local centres).

- LAs have a legal obligation wherever children are educated – this includes provision for children with additional learning needs (ALN) – this guidance has not changed what's required of LAs as is outlined in the ALNET Code 2021.

#### Question and answer session chaired by RC

RC explained intention to look at the practicalities of new arrangements first.

#### **Q: what happens if parents refuse a meeting with either their child or themselves?**

WG: important to stress that statutory guidance is clear parents can refuse a meeting. Seeing the child is not the only form of evidence for parents in demonstrating to LA that education is suitable. Handbook goes into detail. About building positive relationships between LAs and families. Would expect an on-going dialogue with that family so the LA can understand individual circumstances and have a wider base of evidence to draw from. Types of evidence will be very specific to the education being provided. Examples could include written work examples, sporting achievements, diary of events, art, a CD recording -anything that provides evidence of a suitable education. We acknowledge every situation is different.

Comment in chat: There seems to be confusion around if this is for safeguarding or not. the NISBS and spoken about, and given as a reason, and yet you also say that it isn't about safeguarding?

Comment in chat: The requirement to act 'if it appears' no education has always been there but this guidance changes what is required to 'appear' education is not suitable.

Comment in chat: This is the problem I have my son has very extreme anxiety due to bad experience with meetings he attend when at school and it makes him physically ill as parents realise we are responsible for education but also for our child's wellbeing its very worrying as a parent to feel we have to abide by the law but also not to put our children under pressure that's going to effect the mental health

Comment in chat: LA's will be looking at the education RECEIVED - whereas inspections in school look at education PROVIDED. a child isn't CME if they are in school but just not learning or flourishing as they should. likewise a child isn't CME if they are home educated but not making the "progress" that a LA bod might want. I just wanted to make that point. Its not really a question i know.

#### **Q: What happens when parent and LA disagree? There is no appeals process or scrutiny apart from going through the courts?**

WG – ultimately the LA are legally responsible for confirming suitable education of the child. We would expect extensive engagement with families prior to a local authority instigating formal action (RC noted it would be good to have definition of 'extensive' engagement)

Post Conference Response in relation to extensive engagement- Section 4.36 of the statutory guidance states "Some parents may need some additional help or support to provide a suitable education. The local authority is expected to make all reasonable efforts to provide help and/or support to the family. This may include providing parents with information about preventative

services and where appropriate gaining parental consent for a referral to those preventative services available locally. This is an offer of support, and the parents are under no obligation to accept it.”

**Q: Where does a parent stand if they do not wish the local authority to label their child with an ALN? Is an ALN non-negotiable ? Seems quite scary. Seems as though from what I am reading that the local authority has the right to in effectively diagnose a child with an ALN. Some people don't want child labelled as such. As parents we would know how best to educate and support that child. Concerns local authority could take over and dictate what we have to do.**

WG – the local authority has a legal requirement to determine whether children have additional learning needs and to support with those needs. Parents can ask the LA to determine whether a child has ALN and the ALN Act outlines importance of doing this ‘with families not to them’ - via meetings with child and families. If the child requires an individual development plan (IDP) and Additional Learning provision there would be discussion whether this could be delivered at home. It could be that local authority provide training to support your child, provides outreach services. If child's ALN needs really significant local authority may need to put support in place which could include a specialist placement.

Comment in chat: This is an important point to note. In my experience (14+ years of home educating my children) there is a high incidence of ALN in EHE families. We never sought any ALN support until accessing exams and further/higher education. I have even approached my local EHE team recently about support and diagnosis, and was pointed towards a charity website...!

**Q: Regarding support what support is available and where do I go to get this, my son is home educated as a result of a very long and stressful battle with school/ CAMHS/education officer and was advised to home school due to a phobia of school**

WG – we commit to working with LAs and happy to take that away to make sure it's as strong as possible. We want home education to be a positive choice for families and acknowledge that this may not be the case for all learners. There are other pieces of guidance to support children in schools e.g. whole school approach. We urge families to talk to education officers and leads in school to raise concerns. Full financial responsibilities sits with families where they have chosen to home educate, but we have provided sum of money for LAs to provide support. Also want to flag rights in guidance to right of children to career advice, and youth support offer amongst others, including on back of feedback from families e.g., access to exam centers locally

We know that EHE children often have to travel to England and pay significant fees. LAs have agreed to establish a setting to take exams. As part of the agreed offer LAs have agreed where possible families are also able to take out books for longer periods from libraries. Other elements – had positive feedback from local authorities and families on funding available. Funding has been used to develop a local offer including resource packages, perishable materials – clay, paint etc - all things that can be expensive. There is also access to Welsh heritage and culture, to CADW. There's a lot of support there and handbook does provide a lot of detail about support on offer.

Comment in chat: We took part in the activities put on by our LA and thoroughly enjoyed them

**Q: Examination centre provision, and issue where home educators can't take WJEC exams because of coursework element**

WG - LAs can register centres as exam centres. It is a local decision. We can provide guidance on what 'good' looks like but local provision is down to LAs. We would hope encouraging local authorities and families to work closer together but know not all exam boards will meet the needs of everybody.

Comment in chat: - It seems very one sided, with home educating families having a lot of conditions placed on them whereas discrimination against home educating families opportunities are at the discretion of the LA - we know that LAs are very tight for funding and will not be able to offer things that are discretionary.

Comment in chat: There is also an issue of equitability between LAs - for instance Powys is 2.5hrs drive across, one exam centre for the LA is less accessible than one per LA in south Wales, for example.

Comment in chat: I definitely have issues with your last 2 slides. Exam provision in our area of wales is non-existent. WJEC board is not accessible to home educators.

Comment in chat: also home educators cant take wjec exams because of coursework element

Comment in chat: This is also likely to get worse with the WJEC exam reforms under consideration, with all but Maths proposed to have significant NEA elements.

Access arrangements for non-school based candidates are another big area that needs to be supported for exams access to be equitable.

Comment in chat: Yes access arrangements I believe has been the reason for the withdrawal of exam centre access for home educated children in NPT and Pembrokeshire. There is an extremely high incidence of access arrangements being required by EHE families. We have used them ourselves, and Pembrokeshire College have been brilliant in the last 2 exam seasons, but have now announced they are now longer accepting private candidates. This is a huge blow, and leaves no exam centres in Carmarthenshire or Pembrokeshire.

**Q: Can support effectively be offered via the same people who are also judging provision? Compare with the separation of school improvement advisors and Estyn judgements for schools.**

WG – can't really comment on staffing of LAs. LAs trying to provide support for families to demonstrate suitability of LAs, and where there are concerns in relation to suitability WG would expect LAs to adhere to section 4.36 of the guidance and if concerns remain then a wider discussion will take place with wider pool of officials from the LA.

Comment: I see there is a distinction between someone supporting and then including suitability of education. People may be reluctant to ask for support if they know same person is determining suitability. WG is responsible for funding

Comment in chat: So basically Welsh Government have written guidance but HE are at the mercy of an individual employed and trained by their LA with no protection or appeal route other than court?

Comment in chat: We also have very friendly and helpful LA staff in our area and I'm very grateful for their help and support.

Comment in chat: Not forgetting the home ed charities that work for their communities too.

Comment in chat: My LA also wasn't very supportive and felt backed into a corner

Comment in chat: We are very fortunate in my area to have wonderful LA staff

Comment in chat: I have received home visits by my request and they always go brilliantly, fortunately for us we have not experienced anyone to be wary of and I've had meetings with four members of staff. As such I cannot comment on other situations.

Comment in chat: I think the absolute ideal would be voluntary engagement that was helpful and supportive for all. It's where it is experienced as coercive that it gets difficult.

**Q: can the community have input into the handbook, there are many inaccuracies, out of date information, etc. it would be worth having a handbook that is relevant**

WG – guidance and handbook will continually evolve and want to engage with home educated communities on this. Happy to take idea of local forums away. Happy to receive specific written points. Think handbook does provide a lot of really helpful information if you are a family new to home educating on those areas where families can get support from LAs.

**Q: Will the exam support offer be publicly advertised on LA websites?**

**Q: Yes access arrangements I believe has been the reason for the withdrawal of exam centre access for home educated children in NPT and Pembrokeshire. There is an extremely high incidence of access arrangements being required by EHE families. We have used them ourselves, and Pembrokeshire College have been brilliant in the last 2 exam seasons, but have now announced they are now longer accepting private candidates. This is a huge blow, and leaves no exam centres in Carmarthenshire or Pembrokeshire.**

Comment - Lots of answers today have been about LAs having to make decisions – wildly different views and expectations. A bit unfair to answer questions to say that it's down to LAs.

WG response – answers weren't meant to come across like that, but duties are on LAs, not WG.. Considering what more can we do to facilitate conversations with LAs (WG and CCFW). We want this to be a dialogue and want to make sure voices are heard. Happy to take that as an action, and if there are inconsistencies in the handbook we can address. Home educators were prioritized for the sessions but there are LA officers here, so they are represented.

**Q: What qualifications will LA decision makers have? What disabilities and mental health training will LA EHE officers be given? What philosophies will LA EHE officials be educated in?**

WG – ultimately be down to LAs to appoint the right staff to carry out the role. It may vary across LAs. Need to ensure consistent approach but acknowledging differences. WG worked with LAs on training for EHE officers. This training includes need to be mindful of differences and differences of children. Ongoing forum of LAs meets termly to continue those conversations and be sighted to issues as they arise, so that we're sighted on which areas need support.

**Q: is there potential for independent body to support families if disagreement with LA before it gets to the court stage?**

There are organisations that can help mediate between families and LAs, including advocacy services and CCfW.

**Q: On the principles - Why has the burden of evidence shifted so much from the 2016 guidance, where parents could refuse contact if there were no concerns from any other bodies?**

WG – responding directly to calls to strengthen guidance due to inconsistencies of implementing non-statutory guidance. Requirement in law has not changed anything with this new guidance. What guidance is doing is reinforcing position.

**Q: Why hasn't there ever been a commissioned study into home education? I think I have asked this a few times. I am very curious if this has ever happened?**

WG – valid point and we're giving some thought. Minister noted intention to evaluate statutory guidance. Commissioned evaluation to start in 2024, to allow this guidance to bed in.

**Q: On data - is the data that is available to WG on home education shared publicly? Are there links?**

WG we get data from Data Cymru and it is not published. Data is telling us that home educated children on the rise. More important than ever to make sure we have consistent practice across LAs.

**Q: Is there home educator representation on the LA steering groups? Could this be considered on a regular basis?**

WG – at current time there is not home education representation on the LA steering group. Think it's really important to have space to discuss with local authorities separately but recognise we can do more and will give consideration to what that may be.

Comment in chat: i think it is difficult to get engagement, when WG have continually blocked dialogue up to this point

**Q: how will young people have their voices heard by people making decisions?**

WG - Committed to hearing voices of children and young people an important part of our work, via families on this call but others too. Commit to taking that away and considering how can we make sure that happens. Aware of some LAs consulting with families on how they should be using the money locally.

**Q: How are LAs equipping themselves to have the understanding of needs such as physical and mental health?**

WG – guidance is not new for LAs. Multi-agency working is not new and nothing that's been brought about with this new guidance. Acknowledge inconsistency in what families have received hence why guidance and handbook is there, especially for families who are just starting on their journey. Those home educating for a long time will know lots of this but we want to support families at lots of different stages in their journeys. Additional funding has helped with additional support. Think relationships have been enhanced so make sure support there as and when required.

RC – key themes from discussion:

1. Process for differences between opinions between LAs and families
2. Support for families
3. Exam accessibility
4. What happens next: how will dialogue continue, with families and children

Thank you all for enabling this to be a respectful and useful meeting, hopefully. Thank you to WG for participating and to CCfW colleagues.