

EHE Forum – 28.6.23

39 attendees (including WG and CCfW)

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.

Slides shared on screen

- 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

Question and answer session chaired by RC

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

Q: heard a few times that in evidence of a suitable education you are looking at about 4 hours per day for a home educated child, but WG have said nothing specific.

WG: guidance acknowledges there is not a set amount of hours. Absolutely right that it should take up majority of child's day but not set number of hours.

Q: do I need to keep any records? Is there anything specific?

WG: section 2.26 of the handbook talks about ways to provide evidence. Email, children showing work, artwork, sporting achievements, a (CD) recording of what has been taught which could be shared

Q: Concerned that there have been good relationships for years and parents telling me that this is going to damage them. Hear back from civil servants that parents don't have to meet. Will WG amend the guidance to clarify? Also is the government going to accept that LA officers who have spent years working with families and know when and if it is right to meet families.

Q: what happens if a family refuses a visit from an LA? What is legal basis?

WG: Not sure how helpful to run through legal basis. Guidance is absolutely clear that the family can refuse a visit and sometimes it's not in the best interest of the child. It does not say that if family refuses a visit, it won't result in an School attendance Order (SAO). It provides a range of options for LAs to help them determine

We believe the easiest way for an LA to determine suitability is for them to meet with the child. It's not about scaring children. Guidance not there to undermine the good relations that exist with LAs. We have to acknowledge as a WG that there are some families not in that position. The guidance is there to provide clarity and consistency. This is what the guidance is about.

Q: Is it left to the discretion of a particular officer, whether they think evidence is suitable? LAs seem to differ widely between supportive and empathetic people to a culture of hostility and suspicion in other LAs.

WG: There is no one person within LA to determine whether education is suitable. They sit in a hierarchical structure... Yes, intention to have an assigned officer, but they're within a structure and there would be processes established with LAs if there are concerns. There's a lot of differences how LAs are structured.

Q: How can a complaint be made against an individual officer?

WG: LA is required to have a complaints process.

WG: Want to reiterate that the obligation is on LAs to determine that child is receiving a suitable education and meet their duties. WG wants to promote consistency and that's why guidance is important. SAO should not be used as a threat but part of a wider set of approaches to be used only when all other approaches have failed.

Q: 4.3.7 – question on this section of the guidance. Our duty to care for our children, our duty to educate our children and it should be our decision whether we meet with LAs

Q: lack of consistency between what Minister is saying and what the guidance is saying; what a right avenue of resource (clear complaints process); can we not have a council of home educators; ALN support – no access to support.

WG: Council of home educated children is a useful idea. Parents within rights to ask LA to determine whether child has ALN and determine whether child needs additional support. LAs are obliged to review the Individual Development Plan (IDP) on an annual basis – with parent and child's voice. Guidance is clear and references the ALN Code. There is a large section on ALN.

Q: what's the evidence to support the proposals?

Q: (wonderful opportunity to have this discussion): state has authority stifling other opportunities of being – are we listening; are we exploring what home education can offer – we'll be measured against standards. Building communities with respect; how will we support families who are so tired. State knows best will lead to more families to retract.

WG: having dialogue with home education community will be a critical part of the evaluation, which the Minister has committed to. We have regular termly meeting with local authority officers which allows us to talk with LAs as to how things are progressing on the ground. Important part is how we take forward for home educating families and children's voice. Don't want to diminish nor damage home educators existing relationships with LAs – the guidance is meant to enhance and support. In response to question on evidence: this is in response to recommendations from the Children's Commissioner for Wales and the National Independent Safeguarding Board.

Q: (welcomed dialogue and opportunity) – seemingly mandatory face-to-face meeting and who decides who determines suitable education. It is not clear about visits; what happens if we refuse; and also queries about suitable. Are they mandatory or not and if it's not, then there shouldn't be sanctions.

WG: not about testing, or assessments – LAs will take a broad approach. Approaches will be very different. It's not prescriptive in terms of what should be taught and when ... guidance is clear that meetings aren't mandatory. Every situation is going to be different.

Q: personal experience has been extremely positive; concern is being raised is just fundamentally changes what a family is in the eyes of the state..... are we always accountable to the state?

Q: thank you for tone of guidance which I found surprisingly reassuring. Helped to read to read the document. No doubt of best intentions and can also see that LAs are in a dilemma. How can they check every child in order to see; and also right of families to refuse. That is a very difficult

balance. Not seeing anything in the guidance which recognises and respects the rights of children to be raised under care of parents. Don't have practical problem on the local authority but do on the principle

Q: examinations and wider package of support

WG: There's lots there (within the Wider Package of Support) that LAs already provide which encompasses several things. Elements within there that LAs are required to deliver. School counselling should be available, ALN support is a statutory function; access to careers Wales; youth support services.

Next two elements to talk about were in response to consultation pre pandemic. The first is access to examination centres. EHE families would often have to travel long distances to be able to sit exams. WG have agreed with LAs to identify an examination setting in each LA as part of wider package of support. Each LA has an examination centre. It is up to LAs which examination boards they use. We are aware of local authorities who have registered with iGCSE boards but it will be up to LAs on whether to register with those providers.

There are also additional resources, access to CADW -not everyone would know about those things they can access.

Comment in chat: The access to examinations is very much welcomed, but identifying settings is not enough.

Across North Wales I have worked with the LA staff to try to find venues, but LA staff cannot compel schools or centres to offer access. Most will not

Comment in chat: We spoke to a lady at a local college yesterday and she said some schools may offer us the opportunity to take the exam in their school however we would have to pay for the exam along with a percentage to cover the cost of the invigilator.

Comment in chat: Encourage councils to employ home educators - people with real life experience

Comment in chat: It would really help if exam centre access weren't limited to one exam board. For example, we might be doing iGCSEs because of coursework requirements, or using English exam boards because we're getting online tutoring. I appreciate that LAs are overstretched, but I think the benefit to parents and children would be huge, compared to the cost to LAs.

Comment in chat: Independent schools have become reluctant to accept HE young people for exams as the demand is high and they cannot cover SEN requirements.

Comment in chat: Welsh gov may say they are going to provide access to exam centres. That is easy to say. The evidence is to the contrary. It is getting worse and worse. I don't even expect the exams to be funded. I just need an exam centre.

Comment in chat: That point about child alone with an external tutor, that is a practical issue with this requirement given we educate 3 children. Practical logistics of using time efficiently means this is not always possible. Better to have stronger requirement for tutors to have DBS requirements?

Comment in chat: Agree. We used to have several across North Wales and I have spend many hours ringing around trying to persuade schools to accept HE candidates. We have 3 possibilities in the whole region two of which are very limited.

Comment in chat: And organizations with first hand experience that can be leaned on to offer experience in good practice education programs, perhaps they can be included another time too?

Q: training and support available to LA officers to protect and support them as well as children and families?

Q: will there be more funding made available to local authorities for home educating ?

Suggestion around – could a local authority organise a celebration of home education – calling it 'we are writers, we are artists, we create'

Comment in chat: It would be lovely for an LA to organise a celebration of home ed. Not too difficult to publish "We are writers" or "We are artists", "We create", books or exhibition that showcases what HE young people do.

WG – not in position to confirm funding arrangements beyond current funding cycle so can't speak to that. Will take away the idea of a celebration of home education – we will take this away.

Training - not all directed by WG – lots of identifying good practice from LAs. Education Otherwise recognised some LA Offices and presented certificates and we asked many of these to contribute to the training day. We had local authorities presenting on philosophies of home education, what this entails and what it looks like in practice. Had really rich session on this. Reiterated that SAOs are at the end of a very long process.

It is for LAs to organise training. Open to conversations about what more support we can provide.

Comment: thank you for hearing us out.

Comment: much in guidance is actually positive on recognition. Started reading it and felt made it positive. Isn't a lot that needs changing. Please agree to meet with us. Please don't damage relationships.

RC wrapped up with key themes she had heard:

- Want for greater clarity on what specifically happens if parents to refuse meeting and timescales (how quickly might things escalate and who might be involved);
- role of local authority and specific officer or team;
- concern relationship might be changing because of different role – how can positives of relationship be maintained;
- heard lots of points about practical support particularly about support learners with additional needs;
- exam access;
- also more existential, ideological issues that are important to ask and share

WG – just to echo that we are glad that we have had opportunity to talk with families – there is healthy debate in this forum. We are keen to keep dialogue open now in phase of implementation of guidance making sure taking on views as part of evaluation of guidance. We could consider putting some things in the guidance if guidance is unclear. So will take this away.

Further comments from the chat function

Comment in chat: I agree with, It does put pressure on parents and then on the family to fulfil a checklist.

Comment in chat: You say it isn't mandatory, but equally say suitability can't be decided without a meeting - it is NOT clear

Comment in chat: the guidance is not clear on that. It either is mandatory or it isn't and there shouldn't be any negative effect if parents and home educated children decide that a face to face meeting is not in the child's interest.

Comment in chat: You have said. Jeremy Miles has said, it will be difficult to establish education without meeting. you keep saying WE believe, we believe has no legal basis

Comment in chat: Para 4.37: 'The local authority should be reasonable and accommodating when arranging these meetings. However, if the local authority is not assured that: (a) there are genuine reasons for refusing a meeting; or (b) if a family has repeatedly cancelled or not shown up for a meeting; or (c) a family has refused without giving a good reason to allow their child to take part in meetings, then it will need to consider whether it can conclude a child is receiving a suitable education'.

Comment in chat: I have already been threatened with an SAO by my Local authority for simply refusing to write a report despite providing them with a report the previous year. And successfully home educating for 25 years with my older children now attending university. They did not believe I was not providing a suitable education. They were purely using it as a threat. How will this kind of behaviour be avoided?

Comment in chat: Action may of course need to be taken against the Officer, if a complaint is made?

Comment in chat: Consent should be true consent, neither coerced by threat or by inducement.

If you want to meet that is really great, but if you did not want to meet that should not be treated as a cause for concern that education is not suitable

Comment in chat: I think parents would also need to know where and how they could raise their concerns, if an officer were causing concern. Perhaps an opportunity for parents to rate the officer?

Comment in chat: Why wouldn't you want a local authority visit? Every privilege ones with a responsibility, and we are accountable.

Comment in chat: I used to think this... I was wrong. Follow Education Otherwise on Facebook and all will become clear.

Comment in chat: The wording of the guidance currently makes SAO's a threat

Comment in chat: I can see where you are coming from, but if you had a job outside the home, you had to go and show what you've done to your boss. I think it's awesome we can literally choose how

we want to home-educate our children, one visit a year to show what we've done isn't too much to ask I think.

Comment in chat: It's just important to ensure parents and families are equally confident and empowered as those that 'inspect' - everyone is accountable. Officers need to know that they are also under scrutiny for how they are performing.

Comment in chat: Torfaen CBC have never supported us in our transition from mainstream education to EHE and this has put a barrier up between us straight away. We will not be wanting to meet with TCBC so would not want this to go against us and us being considered as not providing a suitable education

Comment in chat: Yes, perhaps more money and energy is put into investigation and less into support?

Comment in chat: The power dynamic needs addressing. Families and children are very vulnerable to systems that have actively caused them harm. If we are assuming we need to have evidence and access to the safe space of the home without any evidence for concern, this should be huge cause for concern. Really excellent last set of questions

Comment in chat: The power dynamic needs addressing. Families and children are very vulnerable to systems that have actively caused them harm. If we are assuming we need to have evidence and access to the safe space of the home without any evidence for concern, this should be really really approached with caution

Comment in chat: Would you accept your work being judged by your boss who has no knowledge of your ability, aptitude, previous experience and has no expertise in the area in which you work?

Comment in chat: I feel that is a bit of a generalisation when you do not know the qualifications, experience and background of all EHE officers.

Comment in chat: Yes, I ask them their backgrounds if they don't automatically introduce themselves with that.

Comment in chat: Yes, the strength of HE is the bespoke nature. I can do so much more music and tech with the children because they are not in school.

Comment in chat: Too much state overstep is very present in this new guidance. It views state knows better than parents.

Comment in chat: That is the core of the problem with this legislation

Comment in chat: the legislation has already had a negative effect and it hasn't yet been fully implemented

Comment in chat: Those who replicate school at home are probably less concerned, but those who do not are even too frightened in many cases to attend those meetings.

Comment in chat: It has made the relationships with LA worse

Comment in chat: Can you see how the way in which this guidance is written does little to help build positive relationships between families and local authorities? The community fully understand the states responsibility to support families and to aid children that require support. Do Welsh

Government understand they have a reactive supporting role, supporting parents to raise their own children. Our children. Local Authorities have no legal basis to assume a parental role.

Comment in chat: The guidance makes clear that there will be.

Phillips v Brown stated that the LA should consider whether education was suitable if no information was provided and that has been accepted by the courts and LAs hat if no information is provided they SHOULD take formal proceedings.

The very clear interpretation of those guidance is hat the LA SHOULD take formal proceedings if the parent and child do not meet.

Comment in chat: I agree, this guidance is changing the la role from being one of support, to one of being judge jury and executioner. With no rights for these who cannot afford legal representation.

Comment in chat: A child may not read at 10. Mine did not read at 12 but had a first class degree at 15.

I know a family of three children each of whom read at 11,13 and 13. Two have 5 post gradate degrees and the third is a musician.

Comment in chat: In almost every job you have an annual appraisal, and a meeting with the LA to show how our 'teaching' role has been achieved doesn't seem unreasonable. We would soon be quick to criticise if LAs neglected the welfare of children. I can understand how you might not feel the child needs to attend the meeting, but I don't understand why as adults we wouldn't.

Comment in chat: I do think it's important to have some form of contact with the Local Authority. I see this as a two way thing - pooling resources, making sure we access whatever resources are available to us. I don't see that turning your back on the Local Authority is necessarily a good thing, and for those that don't want a meeting, what other means do they consider acceptable?

Comment in chat: the whole point I think, is that it should be the parent's choice: Reports, work copies, chat on the phone, third party report, whichever choice works.

Comment in chat: You are currently the frog in the water that's getting hotter, and hotter the more we can push back the longer we can continue to let our kids be kids. My 4 year old can read and knows her 2 and 3 x tables - I just don't feel the need to prove that or show it off to my LA - because I can see their long game. Do not give them this inch!

Comment in chat: therein lies the problem. We're talking about meetings as if they are the only way of communicating with the LA. Constructive dialogue is the key to all of this.

Comment in chat: Would we be needing these meetings if the guidance was clear?

Comment in chat: Para 4.37: 'The local authority should be reasonable and accommodating when arranging these meetings. However, if the local authority is not assured that: (a) there are genuine reasons for refusing a meeting; or (b) if a family has repeatedly cancelled or not shown up for a meeting; or (c) a family has refused without giving a good reason to allow their child to take part in meetings, then it will need to consider whether it can conclude a child is receiving a suitable education'.

With the greatest respect it is NOT clear

Para 4.28 'As part of these meetings, the local authority should ask to see examples of learning, to determine the suitability of the education provided.

Yes and every LAS hat I know takes that as meaning copies of work.

Comment in chat: No it isn't because it Cleary stats that the LA will need to see copies of work

Comment in chat: - No - it says examples of learning, not copies of work.

Comment in chat: Yes, LAs interpret that as meaning copies of work.

Alternatively, is the unschooled child to dance? orate? Do you see the issue?

Comment in chat: Yes, there is an assumption that schools have it right, although they are overcrowded, under-resourced and the staff are stressed. Perhaps we are all doing our best given what we have.

Comment in chat: The Local Government handbook on Education for England, based on exactly the same laws as in Wales, states:

"Local authorities have no legal duties to monitor the quality of home education on a regular basis" "and no powers to insist on seeing a child in order to establish whether they are receiving a suitable education".

Welsh Government's own CME guidance says

7.33 "may make informal enquiries".

7.35 "there is no legal framework for LAs to regularly monitor provision"

The guidance goes far beyond informal enquiries. Parents only need to provide sufficient information to indicate there is not good reason to assume that they are not providing a suitable education, that there is no good reason to conclude that a child is a CME.

Once it is established that the child is not a CME, then the duty ends. All that would be subsequently required, would be confirmation from the parents that the situation has not changed by the child no longer being home educated

Comment in chat: So meetings are not mandatory but how we are treated if we refuse is dependent on the individual local authority.

Comment in chat: That seems to be the case which obviously make the guidance not 'clear' at all.

Comment in chat: There is not a consistent Wales Wide approach if it is up to LA's to decide on the outcome of declining a meeting

Comment in chat: This is one of the big issues about this 'unclear' guidance.

Comment in chat: Our minister stated in public that all children in Wales should be in school Steffen.

Comment in chat: Yes absolutely have the state act as a back up parent where their is significant cause for concern... yes protect children... respond... but not preemptively. we can't presume strangers can do a better job of raising children than their parents from the outset. Can you see that this puts children who are already vulnerable at greater risk? And deteriorates the family and community responsibility instead of supporting it

Comment in chat: Good point, I understand it that local authorities have a reactive duty, and we are "innocent until proven guilty"

Comment in chat: Guidance is not clear, we would like to work with Welsh Government to amend guidance to better suit all parties

Comment in chat: It's not knowing what they can do to support vulnerable children... build community... support parents in doing their job

Comment in chat: I think there is a lot of pressure on LAs and indeed other public services (medical) to start to engage in safeguarding rather than to offer support and resources.

Comment in chat: We would love to work with you on this to really make the best guidance for all

Comment in chat: How much time?

What about the parents fearful of proceedings NOW

Comment in chat: We offered to work with WG on the guidance before publication.

Comment in chat: and the consultations that were predominantly ignored

Comment in chat: It is not too late. WG can still meet with us and still address this.

Comment in chat: IT does not need a huge amount of adjustment.

Comment in chat: Thank you for today it has been a fast passed meeting and I am grateful for your time today and look forward for clarification on points that could not be answered today

Comment in chat: Yes, we have been so grateful for resources.

Comment in chat: Thank you so much for advocating for us [name] xx

Comment in chat: It can't be that it depends on individual LA officers how declining a face to face meeting will affect the home ed family. It needs to be clearer and the same across all LAs.

Comment in chat: Wonderful to have gratitude. What you have now should never have been in question or ever be threatened ❤️

Comment in chat: Thanks you 🙏...Thank you, Rocio..... Thank you Rocio for facilitating this meeting.

Comment in chat: As an EHE officer I would like to say that the majority of EHE parents do an amazing job of home educating their children who have access to lots of enrichment activities and a wide range of different topics and opportunities that make visits endlessly interesting. I think the idea to set up EHE celebrations of learning sounds brilliant and I will be looking into it.

Comment in chat: Thank you to Rocio and Welsh gov for meeting. Thanks to everyone commenting. Informative.