

## Quick Guide to the Consultation

The draft EHE guidance is a move towards further overreach by the DfE against home education. If published unamended, it will lead to much more bad practice by LAs, including monitoring, pressure to access children, inappropriate benchmarking of literacy and numeracy, and threats of social service involvement.

The following is a brief guide to the questions, but also try to read the draft guidance as well to help inform your specific response. Please do not just quote this guide directly, use your own words, as the consultation analysis will probably give copied responses less weight. AI textual analysis will probably be used, looking for basic keywords and phrases such as “unclear”, “monitoring”, “refuse”, “disproportionate”, “harm”, “human rights”, “unlawful”, “unhelpful”, “confusing”, “damaging”, “intrusive”, “will not comply”, “beyond the law”, etc. so no need to use a thesaurus.

There is no text limit to the long-form questions, so write what you like – you can also save your response and come back to it, or write in a text file and copy/paste when you are happy. Avoid insults and expletives, and if possible get someone to proof-read your response.

TL;DR for the very time pressured or outsiders who want to support without reading any documentation: Strongly Disagree to all multiple choice questions, leave all free text blank.

### Section 1: About You

#### **1 In what capacity are you responding?**

Say how you are responding. Parents, children, home ed groups, and any business or organisation you are involved with can respond. The more responses the better, so try to get any sympathetic people or groups to respond, as well as you and your family members.

#### **2 Please specify your local authority (if you are a parent or child, provide the local authority in whose area you live; if you are a professional, please provide the local authority in whose area you work)**

You do not have to declare your LA, but if you think it is relevant (e.g. you want to make a point about how your LA behaves) then feel free to pick.

#### **3 Would you like us to keep your responses confidential?**

You may be especially inclined to choose to keep your response confidential if you have named your LA, or plan to disclose personal details about your home education, but it is up to you.

### Section 2: Questions on Tone and Content

#### **4 Does the guidance convey positively the Government’s position of supporting the parent’s right to elect to home educate?**

Strongly disagree (saying this occasionally, but then changing the guidance to undermine home education, does not convey a positive message)

**5 Does the guidance convey the flexible nature of EHE and respect for different education methods and pedagogies?**

Strongly disagree (very little is mentioned on the subject, it is always caveated, and the case studies make it sound like they think autonomous education involves children spontaneously choosing to make tally charts, which is not usually the case)

**6 Does the guidance consider relevant protected characteristics and ensure none are disadvantaged by the revised guidance?**

Strongly disagree (only GRT and religious families are given consideration as protected groups, and the move to coerce access to the home and child will likely lead to discrimination by LAs against all kinds of protected characteristics by making them apparent when a written communication does not)

**7 Do you have any comments regarding the tone or general content of the guidance, including consideration of protected characteristics or further information that illustrates your answers above?**

This is the place to write about the bits in brackets above, as well as general objections to the guidance such as: there being separate parent and LA guidance documents; there being no child-friendly guidance; the guidance going way beyond the law; the removal of the statement that LAs have no monitoring duties; the introduction of routine monitoring; the intrusive attitude towards seeing the child; the mixing in of safeguarding and welfare issues to suitability; the lack of data protection information; the disproportionate approach to “assessing” suitability and wanting parents to “demonstrate” it even in response to informal enquiries; the guidance overturning presumption of innocence; the impact the guidance will have on your attitude to your LA; the impact the guidance will have on your willingness to access other services; the infringement on your rights to a private family life; etc.

Section 3: Questions on the EHE guidance for parents

**8 Is the EHE guidance for parents clear and easy to understand?**

Strongly disagree (it is unclear in many places, and where it appears clear it is frequently misleading)

**9 Would there be value if there was an additional short (one- or two-sided) document for parents summarising the key points for parents to be aware of should they wish to home educate?**

Strongly disagree (there should be one single document, which should not be overly long, for both parents and LAs, which could potentially begin with a short summary)

**10 Is the complaints process, as outlined in the guidance, clear?**

Disagree (the inclusion of any information about complaints is an improvement, but it is not clear what happens if the LA finds itself at fault, and there is no information about potential compensation if the LA causes harm to a child or parent)

**11 Please provide further details of any sections within the guidance for parents that need to be simplified further or further information that illustrates your answers above?**

Another free text opportunity to expand on the brackets, plus raise issues such as: it being patronising to have a simplified document for parents; leading statements that might influence new home educators' approach; references to the LA guidance making parents read both sets; misuse of the term "setting" to refer to the home; pressure to use a curriculum and monitor progress; the blurring of efficiency and safeguarding with suitability; lack of information about how a parent could respond to off-rolling or other forms of coerced home education; repetition of off-putting information on exam costs and school places being lost; lack of clarity about deregistration from school; omission of the fact LAs have no monitoring powers; etc.

**12 It is vital that the parent guidance is consistent with the local authority guidance. If you believe there to be any inconsistencies between the two documents, then please detail these below.**

Free text again, be specific if you comment here: Use of safeguarding powers in 8.7 of the LA guidance gives a different picture to 6.1 of the parent guidance; 2.12 of the parent guidance is not consistent with 6.3 of the LA guidance; 5.5 of the parent guidance not consistent with 4.9 of the LA guidance; etc.

**13 If you know of local authority EHE guidance which you believe to be good practice, please provide details so it can be considered for inclusion as an example of good practice in the guidance.**

Free text, put in details of LA policy or practice if you know of one which does not over-step. That means not pushing for meetings or phone calls, not monitoring via regular demands for reports (it is common, but not good practice for LAs to ask for annual reports, so please do not use your LA as an example if they do this), not encouraging inappropriate data sharing from GPs or other services, not delaying deregistration, not doorstepping or sending the police round for welfare checks, not referring to social services purely on grounds of home education, etc. As there is no word limit, you can copy-paste a whole LA policy if you have it. It is also worth noting that past LA policy could be given here, even if policy revisions mean the LA is currently terrible.

If you are new to home education, please don't get tricked into supporting LAs which appear friendly, but are actually asking for more than they have powers to require of you. There is no need to fill this box if you have an LA that does any of the things listed above.

#### Section 4: Questions on Suitable Education

**14 Does the guidance clearly set out the factors that should be considered when assessing whether education appears suitable?**

Strongly disagree (it mixes education and safeguarding, and gives conflicting and inaccurate information on suitability)

**15 Is it helpful to provide separate sections on (i) how local authorities decide whether a child appears to be receiving suitable education and (ii) what to do when it appears that suitable education is not being received?**

Strongly disagree (the premise that LAs should be assessing suitability in an ongoing way is incorrect, so having a section on it is inappropriate)

**16 Is the guidance clear on what is considered a proportionate level of engagement between local authorities and parents when establishing whether home education appears to be suitable as part of the informal process?**

Strongly disagree (the levels suggested go well beyond the legal framework, and the case studies given in the LA guidance go even further than the suggestions in the rest of the text)

**17 Do you have any comments regarding how suitable education is outlined in the guidance or further information that illustrates your answers above?**

Free text with a chance to expand on the bracketed points above, plus raise issues such as: LAs not having any positive duty in law to assess suitability; regular contact with the threat of s.437 proceedings amounting to monitoring and licencing; access to children and homes breaching human rights to private and family life; lack of information about intellectual property; infringement on parental responsibility; literacy and numeracy requirements not being lawful; suggested methods of assessing suitability being incompatible with many educational approaches; innocent until proven guilty; insufficient attention given to data protection; conveys hostile attitude to families; will further damage parent/LA relations; etc.

Section 5: Questions on Preliminary Notices and School Attendance Orders (SAOs)

**18 Does the guidance make clear when and for what reason a preliminary notice must be issued?**

Strongly disagree (the guidance encourages unlawful data sharing, inappropriate issuing of preliminary notices, and is misleading about the timescale for response)

**19 Is the guidance clear why and at what stage a SAO must be issued?**

Strongly disagree (the guidance fails to say that LAs should consider the best interests of the child, and does not give sufficient detail in either parent or LA guidance as to the process or timescales for school selection)

**20 Does the guidance clearly set out the process for SAO revocation?**

Strongly disagree (no detail on how parents can provide evidence to have a SAO revoked if they comply with it, nor timescales for expected responses if parents make such an application)

**21 Do you have any comments regarding what the guidance says about preliminary notices and SAOs or further information that illustrates your answers above?**

Free text in which to expand upon the brackets above, and raise issues such as: the omission of information about school selection in the SAO process; the informal process prejudicing the results of a notice to satisfy; the time for response to a notice to satisfy being treated as a deadline; parental guidance misleadingly implying that SAOs could be upheld by a court even if educational provision is accepted as suitable; insufficient data protection information in relation to notices to satisfy and SAO court proceedings; etc.

Section 6: Questions on Special Educational Needs and Disabilities

**22 Is the guidance clear on the difference between EHE and EOTAS that is arranged by a local authority in accordance with an EHC plan?**

Strongly disagree (the LA guidance references EOTAS without clarifying that it is not elective home education, and the parent guidance does not explain how EOTAS can come about or how it is funded)

**23 Are you clear on how the law and guidance applies when a child with an EHC plan is or will be electively home-educated?**

Strongly disagree (LA guidance suggests parents should contact the LA to update a plan before deregistering when this is not necessary, it has conflicting messages about parents asking for support, and prejudices LAs against children with a school named in their EHCP)

**24 Do you have any comments regarding SEND in relation to EHE or further information that illustrates your answers above?**

Free text in which to expand on the brackets above, and raise further issues such as: inappropriate mixing of annual EHCP review and home education assessment by the LA; failure to note that LAs may not investigate all home educated children to check for SEN; implied removal of health provision when parents opt for home education; threatening inappropriate CME labelling if parents deregister a child with a plan from a mainstream setting; omission of SEND Code of Practice requirement that SAOs should be a last resort if provision cannot be improved with support; etc.

Section 7: Questions on support for EHE parents

**25 Does the guidance provide sufficient information on potential support that could be offered to home educators?**

Strongly disagree (informal enquiries are not support, current registers operated by LAs are characterised as voluntary in guidance but in practice are not, no clarity on access to school nurse or similar services)

**26 Do the recommendations for support encourage positive relations between parents and local authorities?**

Strongly disagree (encouraging overstepping and monitoring creates animosity, recommendations to LAs to consult with their home educating community have been removed)

**27 Do you have any comments regarding support for parents in the EHE guidance or further information that illustrates your answers above?**

Free text to expand on the above brackets, and raise further issues such as: signposting exam centres; need for adequate LA staff training; inability to ask for support or advice without triggering s.437 enquiries; any examples of actual support your LA provides; etc.

Section 8: Questions on Case Studies

**28 Have you found the inclusion of case studies in the EHE guidance for local authorities helpful?**

Strongly disagree (the case studies imply that LAs should have a highly intrusive and hostile attitude to home education, they are unrealistic, and promote unlawful data sharing)

**29 Are there other issues you would like to see us address through case studies or further information that illustrates your answer above?**

Free text to expand, including: presumption that access to home and/or child can be expected; reports considered exceptional; monitoring rather than contact when legitimate concerns exist; evidence being demanded rather than information; unrealistic presentation of autonomous education; normalisation of coerced access to children; mixup of names between parent and LA staff in case study 3; unhelpful to have case studies in only one of the two documents, etc.

#### Section 9: Questions on safeguarding

##### **30 Do the changes made to the guidance give you an improved understanding of out-of-school settings, informal groups of home educators, and unregistered independent schools?**

Strongly disagree (it is left unclear whether a setting can amount to an unregistered school if a parent remains present, prejudice against religious education)

##### **31 Does the guidance clearly set out the rules and expectations in regard to EHE children and work experience and child employment?**

Strongly disagree (it fails to include information about home educated children owning/running their own businesses, no information on appropriate age for work experience, no information about legal working hours for home educated children)

##### **32 Do you have any further comments related to safeguarding in the EHE guidance or further information that illustrates your answers above?**

Final free text chance to expand on the brackets and other important issues such as: pushing unsuitable education as a safeguarding issue; encouraging LAs to use safeguarding powers to access children as soon as formal proceedings start and encouraging them to demand access to children as part of informal enquiries; encouraging LAs to use threat of care orders to frighten parents; encouraging use of safeguarding powers as soon as education is deemed to appear unsuitable by the LA rather than after it has been tested in court; no information on complaints about inappropriate safeguarding referrals on the basis of home education; mixing of welfare and safeguarding concerns with assessment of suitability; etc.

#### Section 10: Almost Done...

If you wish to receive a copy of your submission, put an email address in the box provided.

When finally submitting there will be no further chance to edit your response, so make sure you are happy with it before doing so.