

===== WAG QUESTIONS & EO Trustee ANSWERS =====

Question 1 – *Characteristics (see paragraphs 6.1–6.3 of the consultation document)*

We would like to know more about the full range of settings and their characteristics: the number of settings in each local authority; hours of operation per week; hours each student attends per week; number of staff/volunteers; number of students; the types of premises they operate from; subjects taught; and the positive benefits of accessing such provision.

Answer 1: Although the consultation document states that it is not intended to legislate in respect of home education, Education Otherwise Trustees feel that it is lacking in clarity as to what in fact constitutes ‘home education’. The document states:

‘For the avoidance of doubt we do not intend to legislate in respect of home education. However, if a person is providing education in a home setting to children other than those for which they have parental responsibility we do propose that such arrangements could fall within this scheme.’

Far from avoiding doubt, we feel the above statement demonstrates considerable confusion. So-called ‘home education’ does not happen solely within the home, but generally involves activities in and around the local community (e.g. visits to museums, libraries, sports and leisure facilities, places of interest, etc.). Frequently, ‘home education’ also involves meeting with other ‘home educating’ families, for both social and educational activities. These vary considerably in nature; they may be completely informal or highly structured. Such activity may occur within the home of another parent, within a venue such as a village hall, or even out of doors. Facilitation of the chosen activity may be provided by several parents or by one parent at a time, or even by none, according to the choice of those families involved. In addition, family members frequently provide home education to children for whom they do not have parental responsibility, including grandparents, Aunts, Uncles and occasionally adult siblings. It would be an unwarranted intrusion into the family’s private lives and arrangements to seek registration of such provision where a family member is acting *in loco parentis*.

However, the abiding characteristic of ‘home education’ as understood by those who practice it, by Education Otherwise and other home education organisations, and by government – is that whatever the activity and wherever it takes place, **parents** (or other responsible adult *in loco parentis*) **attend with their children and retain full responsibility for them throughout.**

Question 2 – *Characteristics (see paragraphs 6.1–6.3 of the consultation document)*

We are keen to understand more about what advice and assistance is available to settings to provide support where needed, and what additional support would be welcome.

Answer 2: Not applicable to home education. However, home educators would appreciate support in some respects, e.g. provision of free venues for meetings/activities; help with examination fees and access to exam centres, free/reduced access to local facilities ...

Question 3 – *Thresholds (see paragraphs 7.1–7.5 of the consultation document)*

We welcome views on defining a threshold for settings to fall within scope of this proposal with reference to the number of hours which children attend, regardless of the number of hours the setting operates.

Answer 3: Not applicable to home education. Further confusion is evidenced by the statement in para. 7.3:

‘The proposed threshold would capture a number of settings ... which provide education ... often in support of home education.’

Home educators may choose to make use of locally available educational services, along with non-home educated children, as part of their overall educational provision; however, they do not delegate educational responsibility to such settings.

Question 4 – Thresholds (see paragraphs 7.1–7.5 of the consultation document)

We welcome views on whether it would be appropriate to exclude any providers from the proposed additional oversight and regulation based on any of the other defining characteristics of the setting (e.g. the learning offer, location, number or age of children attending, etc.), and opinions on how to ensure settings do not simply amend their provision to evade regulation.

Answer 4: It would be appropriate to exclude elective home education. There is a misunderstanding, as detailed above in Question 3, as to what home education is. Regulation (and consequently thresholds) are not applicable in circumstances where those with parental responsibility are present. Groups of home educating families may (and often do) collaborate together to arrange some aspects of their educational provision (e.g. additional tuition for GCSEs, music, sports, etc.) but these will vary from time to time and according to the requirements of the families involved. Again, the defining characteristic is that however the facility is organised, parents (or other responsible adult *in loco parentis*) remain with their children throughout and take full responsibility at all times. This is NOT ‘in support of home education’ – it IS home education.

Question 5 – Registration and inspection (see paragraphs 8.1–8.8 of the consultation document)

We are interested in views about how the registration requirement will operate in practice and the implications for providers and local authorities.

Answer 5: Not applicable to home education.

Question 6 – Registration and inspection (see paragraphs 8.1–8.8 of the consultation document)

We would be keen to hear views on our proposed system to inspect and investigate concerns in out-of-school settings.

Answer 6: Not applicable to home education.

Question 7 – Registration and inspection (see paragraph 8.6 of the consultation document)

We welcome views on which body is best placed to undertake the investigation function for out-of-school settings.

Answer 7: Not applicable to home education.

Question 8 – Prohibited activities (see paragraphs 9.1–9.3 of the consultation document)

We welcome views on whether the proposed prohibited activities appropriately capture the range of concerns that could arise and that should be reported and investigated in settings providing intensive education.

Answer 8: Not applicable to home education.

Question 9 – Sanctions (see paragraphs 10.1–10.3 of the consultation document)

We welcome views on the most appropriate sanctions and which body/bodies should have powers to act.

Answer 9: Not applicable to home education.

Question 10 – Sanctions (see paragraph 10.3 of the consultation document)

We would be keen to hear views on whether any existing ‘levers and powers’ should be strengthened.

Answer 10: Not applicable to home education.

Question 11 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Answer 11: For genuine ‘avoidance of doubt’ EO trustees would urge the Welsh Assembly Government to make a very clear distinction between settings where parents leave their children **in someone else’s care** for tuition of some description, whether it is educational (e.g. GCSE study groups) / sports / arts / religious / etc. – which is NOT home education – as distinct from settings where essentially the same activities may take place, but which are characterised by the **continuous presence of a parent** (or other responsible adult *in loco parentis*), with every child during the class or activity; wherever the location, this IS home education, as parental presence is the only consistent difference between Elective Home Education and other forms of out-of-school educational provision.

EO Trustees, 4th April 2016