Department for Education

Elective Home Education Guidance Review

Consultation report

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Glossary of terms

CME – Children Missing Education

EAL – English as an additional language

EHC plan – Education, Health and Care plan

EHE – Elective Home Education

EOTAS - Education Otherwise Than at School (EOTAS).

ESO – Education Supervision Order

SAO – School Attendance Order

SEND - Special Educational Needs and Disabilities

Main findings from the consultation

4,310 responses were received to the consultation. The majority of these came from parent/carers of a child not registered at a school or college (62%, n=2,679), followed by parent/carers of a child registered at a school or college (16%, n=698). 3% (n=121) of responses were from a child or young person and 3% (n=113) from local authorities. Of the 4,310 responses, 429 were identified as campaign responses (10% of all responses).

Tone and overarching content

There were high levels of disagreement that the EHE (Elective Home Education) guidance conveys positively the Government's position of supporting parents' right to elect to home educate (86%), that it conveys the flexible nature of EHE (87%), and that it considers relevant protected characteristics (75%). Parents had concerns about the guidance being unsupportive and discouraging of EHE, the level of monitoring and oversight and the conflation of EHE suitability assessments with safeguarding. Local authorities thought the parent guidance lacked clarity, was too informal and needed more information about parents' responsibilities when providing EHE.

EHE guidance for parents

Most respondents did not feel the EHE guidance for parents was clear to understand (71% disagreed and 12% agreed), although local authorities were more positive (62% agreed). Furthermore, over two-thirds (68%) of respondents disagreed that the complaints process was clear, while one in five (20%) strongly or somewhat agreed. Around a quarter (26%) of respondents were in support of an additional document for parents to summarise the key points for those wishing to home educate; with local authorities being more likely to agree that such a document would be valuable. Parents, charities and local authorities identified areas of ambiguity in the guidance and provided suggestions around improving accessibility of the parent guidance (for example, use of plain English, consideration of EAL). They raised points of clarification around planning for EHE and the provision of suitable education.

Suitable education

Respondents generally did not feel the guidance clearly set out the factors that should be considered when assessing whether education appears suitable (84% strongly or somewhat disagreed). Although local authorities were more likely to agree, their opinion was divided (50% agreeing and 43% disagreeing). Furthermore, nearly nine in ten respondents (87%) strongly or somewhat disagreed that the guidance was clear on what is considered a proportionate level of engagement between local authorities and parents.

Local authorities did not feel the guidance provided enough clarity around the definition of a suitable education (including how to assess and what evidence should be requested from parents) and highlighted non-compulsory EHE parental engagement with local authorities affecting on their ability to assess suitability.

Preliminary Notices and School Attendance Orders

Around one in five respondents (21%) agreed that the guidance was clear on why and at what stage an SAO must be issued, and three in five (60%) disagreed. Around three in five (59%) of all respondents disagreed to some extent that the guidance clearly set out the process for SAO revocation. Furthermore, three in five (60%) respondents disagreed strongly or somewhat that the guidance makes it clear when and for what reason a preliminary notice must be issued and approximately one in five (21%) agreed strongly or somewhat

Local authorities were supportive of the guidance more clearly setting out the process for issuing preliminary notices and SAOs but would welcome greater clarity on the circumstances in which a SAO should be used. Challenges with the ability to issue and enforce SAOs at a local authority level were discussed including the length of the process and courts understanding of the measure.

Special Educational Needs and Disabilities

Over half (57%) of respondents strongly or somewhat disagreed that the guidance was clear on the difference between EHE and EOTAS and 22% agreed, although local authorities were more likely to agree (70%). A similar proportion (55%) disagreed strongly or somewhat that they were clear on how the law and guidance applied when a child with an EHC plan is or will be electively home educated (23% agreed strongly). Local authorities and parents felt that the guidance could better clarify the distinction between EOTAS and EHE. Local authorities raised concerns about the level of scrutiny in place for EHE children with EHC plans and the challenge in meeting their statutory duties to ensure EHC plans were being implemented effectively.

Support for EHE parents

Relatively high levels of disagreement were expressed that the guidance provides sufficient information on potential support that could be offered to home educators: 82% of all respondents strongly or somewhat disagreed and just 10% agreed. Furthermore, 87% of respondents strongly or somewhat disagreed that the recommendations for support encourage positive relations between parents and local authorities, while just 8% agreed strongly or somewhat.

Case studies

There was limited support for the inclusion of case studies amongst respondents. Over three-quarters of respondents (78%) disagreed that the inclusion of case studies in the EHE guidance for local authorities was helpful, and just 10% agreed. Although levels of agreement were notably higher amongst local authority respondents (69% agreeing strongly or somewhat and just 19% disagreeing).

Parents felt the cases studies illustrated disproportionate involvement of local authorities and did not effectively represent the diverse home education community and the varying approaches taken. Local authorities would welcome a more varied range of case studies and inclusion in the parent guidance.

Safeguarding

Over three-quarters (78%) of respondents disagreed that the changes made to the guidance gave an improved understanding of out-of-school settings, informal groups of home educators, and unregistered independent schools, while just 11% agreed. Three-quarters (75%) of respondents disagreed that the guidance clearly sets out the rules and expectations regarding EHE children and work experience and child employment, while one in eight (12%) agreed.

For most local authorities and other organisations the revisions to the guidance offered limited clarity around safeguarding or strengthened the safeguarding position for EHE children. Local authorities expressed disappointment that there were no plans to review legislation and to provide additional powers to support safeguarding. They identified areas of the guidance in which they would value further clarity regarding safeguarding and thought there needed to be a clearer distinction between work experience and employment within the guidance to avoid confusion.

2 Introduction

Elective home education (EHE) is the term used to describe the practice of parents to provide or arrange education for their children at home, or at home and in some other way they choose, instead of choosing to send their child to school full-time.

The Department for Education is proposing changes to EHE guidance for local authorities and parents, which was last reviewed in 2019. The changes to the guidance documents intended to improve the clarity of the EHE guidance for local authorities and parents to promote greater accessibility and transparency of the process; encourage a more collaborative approach between local authorities and home educating parents and focus more on available support.

A consultation on the revised version of the Department for Education's non-statutory EHE guidance for local authorities and parents was launched on 26th October 2023, with the consultation closing on 18th January 2024. KMC Research was commissioned to undertake an analysis of the responses to the consultation in February 2024.

Analysis of consultation responses

The dataset was initially cleaned and reviewed to ensure its quality and usability for thematic analysis. This involved reviewing the dataset for any duplicate entries, identifying campaign responses and handling missing values to ensure the integrity of the dataset.

To develop the coding frameworks for the free text questions 10% of the responses received were reviewed manually to develop initial coding frameworks. Alongside this, free text and artificial intelligence (AI) software was used to gain a comprehensive understanding of the narratives within each of the free text questions. Code frames were developed that included the most frequently occurring themes. These code frames were used as the foundation for the thematic analysis, enabling responses to be categorised in a manner that highlighted the key concerns, experiences and viewpoints of the respondents. The AI model was trained to understand the nuances of the dataset by learning from the preliminary code frames and themes identified during the review.

The quantitative data (i.e. responses to the tick box' style questions) were analysed in SPSS (IBM's Statistical Software Package for the Social Sciences) to create frequencies of the number of and percentages giving each response to each question. These frequencies were also generated according to the type of respondent.

It is important to note that many of the respondents (particularly parents who responded to the consultation) chose to provide detailed responses to the 10 free text questions within the consultation. From reviewing the dataset initially it was clear that many

respondents chose to provide comments that fell under more than one question or did not choose to directly answer the question posed but instead offered more general views on the guidance documents or EHE. It was also common for the same or similar comments to be provided across multiple free text questions. Where comments did not relate to the question asked, these were noted and considered in the analysis. However, this did lead to some duplication of themes across multiple free text questions.

Profile of consultation respondents

There were 4,310 responses to the consultation. Of these, 3,962 were submitted via the Department for Education's online consultation form and a further 348 were submitted by email.

Table 1 shows the numbers and percentages of respondents who categorised themselves under each respondent type. The largest category of respondents is 'as a parent/carer of a child not registered at a school or college' which accounted for 62% (n=2,679) of respondents, followed by 'as a parent/carer of a child registered at a school of college' who represented 16% (n=698) of respondents. The 'prefer not to say' category is the third largest with 8% of respondents choosing this option. Those responding on behalf of a local authority made up 3% of respondents and children and young people also accounted for 3% of respondents. The 'other' category accounts for 5% of respondents (n=233), and where a description was provided, the most frequently given respondent types among this category were:

- Grandparent - 39 responses
- Organisation (not LA / charity /out of school provider) - 31 responses
- Previous home educator (adult children) - 21 responses
- Adult who was previously home educated - 19 responses
- Parent of child under flexi-schooling or part home / part school educated - 18 responses
- Parent of child who will be home educated or parent considering - 15 responses
- Other family member - 12 responses
- Parent of child not of compulsory school age - 7 responses
- Parent - 8 responses
- Teacher / retired teacher - 6 responses
- Public / interested party - 6 responses
- Religious interest - 3 responses

Table 1: Type of respondent based on the capacity in which they were responding

Type of respondent (grouped)	n	%
As a parent/carer of a child not registered at a school or college (e.g., home educated, non-school AP settings, etc.)	2,679	62%
As a parent/carer of a child registered at a school or college (e.g., mainstream school or college, alternative provision schools, or independent schools)	698	16%
Prefer not to say*	359	8%
Other specified	233	5%
As a child/young person	121	3%
On behalf of a local authority	113	3%
On behalf of a charity / voluntary or community organisation*	38	1%
On behalf of an out-of-school education provider (e.g., tutoring organisation, supplementary education etc)*	26	1%
Missing*	23	1%
On behalf of a school or college*	18	0%
As a parent of a child not yet registered at a school or college*	2	0%
Total	**4,310**	**100%**

For the purposes of the analyses presented in this report, the respondent types marked as * in Table 1 were collapsed into one category of *'all remaining respondent types'*. Decisions on which categories to collapse were based on the number of respondents in each group, and on the nature of the groups themselves, so that those categorised in the collapsed category 'all remaining respondent types' have smaller numbers and/or represented types of respondent where a particular perspective may not be evident or meaningful in the context of the overall consultation (for example, 'prefer not to say' or 'missing'). Table 2 shows the collapsed categories and the numbers and percentages of respondents in each.

Table 2: Grouped respondent types based on the capacity in which they were responding

Type of respondent (grouped)	n	%
As a parent/carer of a child not registered at a school or college (e.g., home educated, non-school AP settings, etc.)	2,679	62%
As a parent/carer of a child registered at a school or college (e.g., mainstream school or college, alternative provision schools, or independent schools)	698	16%
All remaining respondent types	466	11%
Other specified	233	5%
As a child/young person	121	3%
On behalf of a local authority	113	3%
Total	**4,310**	**100%**

The 113 consultation responses received from local authorities represent 89 different local authorities, with the maximum number of responses from any one authority being five, and the minimum, one. A full list of authorities represented among those responding on behalf of a local authority and the number of responses from each is presented in Annex A.

Campaign responses

Prior to analysis, the responses received to the consultation were checked for evidence of 'campaign' responses whereby multiple submissions were made giving identical or near-identical responses and comments. This process involved automated duplicate checking and fuzzy matching on the free text fields[1], followed by some manual checking.

Of the 4,310 responses, 429 were identified as campaign responses (10% of all responses), and of these 378 represented the views of the Haredi Community and were mostly submitted by parents or carers of a child registered at a school or college (84% of the responses identified as being part of this campaign were from this type of respondent. Among the other campaign responses the majority (82%) were from parents/carers of a child not registered at a school or college.

The campaign responses have been included in the analyses presented in this report. However, these responses, particularly those from and on behalf of the Haredi

[1] This involved reviewing each of the free text columns in the dataset to identify whether any comments of greater than 50 categories were identical to within 10 characters.

community, often followed a similar template and may have disproportionately influenced the prevalence of certain opinions and themes in the analysis.

It should also be considered that the Haredi community responses made up 45% of the *'as a parent/carer of a child registered at a school or college'* respondent category. As such, any findings presented by respondent type should be interpreted with it in mind that this group includes a substantial proportion of campaign responses.

To help provide some context, the general nature of messaging in the Haredi community were distinctly detailed, lengthy, and legalistic in nature, often citing specific human rights and religious freedom issues. Serious concerns were raised about the guidance's potential to infringe upon religious freedom and parental rights and fears were expressed that the guidance could enable discriminatory practices and undue scrutiny from local authority officers who may not understand or respect their religious beliefs, practices, and educational choices.

Terminology

For the purposes of the analysis in the report those who responded as '*As a parent/carer of a child not registered at a school or college (e.g., home educated, non-school AP settings, etc.)'* are referred to as 'home educating parents'.

2 Tone and overarching content of the Elective Home Education Guidance

The first section of the consultation sought views on the tone and overarching content of the Elective Home Education (EHE) guidance for local authorities and parents, with a particular focus on whether all protected characteristics[2] were fairly considered in the guidance.

Table 3 details the questions asked, and the number of responses received to each question.

Table 3: Questions on tone and overarching content of the EHE Guidance

Questions	Number of responses
Does the guidance convey positively the Government's position of supporting the parent's right to elect to home educate?	4,259
Does the guidance convey the flexible nature of EHE and respect for different education methods and pedagogies?	4,255
Does the guidance consider relevant protected characteristics and ensure none are disadvantaged by the revised guidance?	4,255
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?	2,053

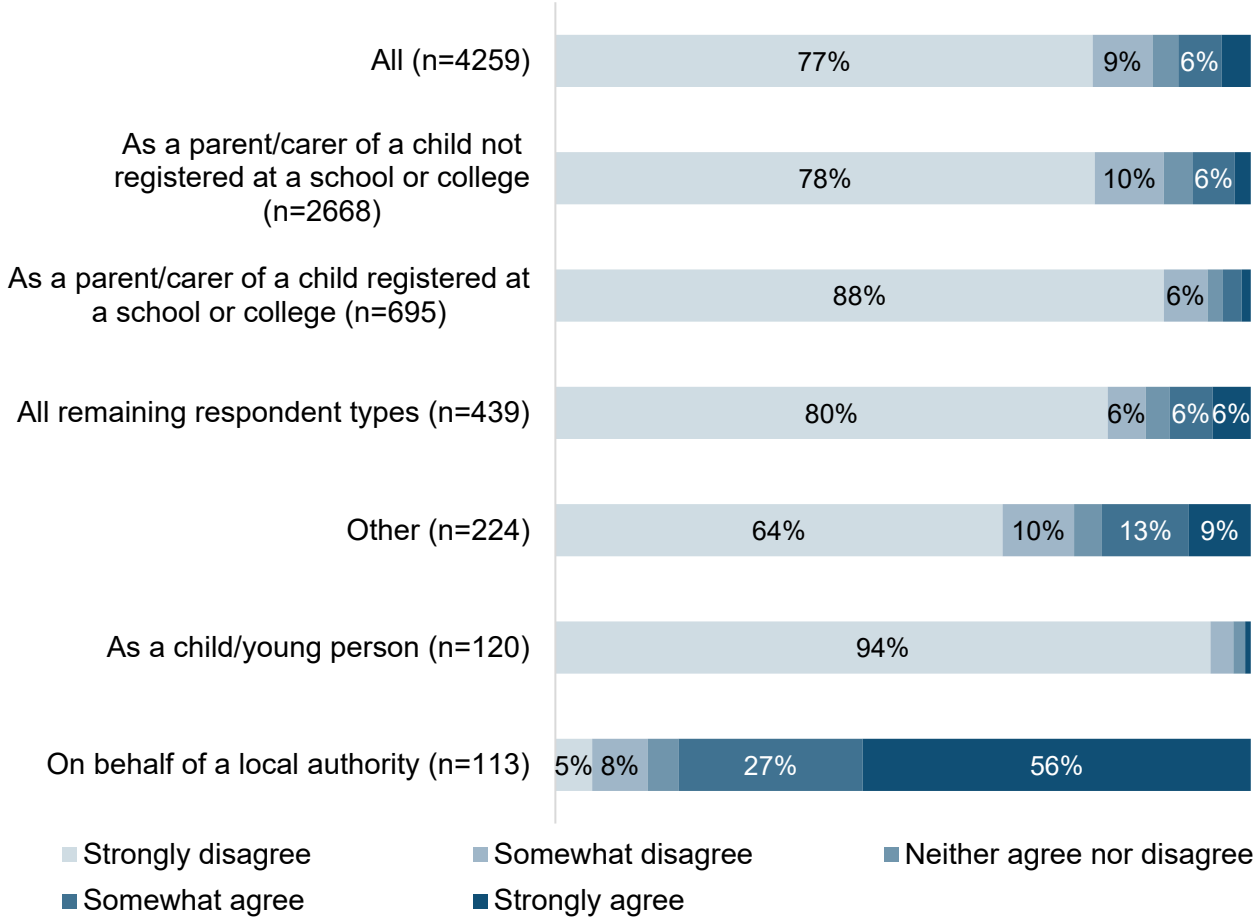
Q1.1 Does the guidance convey positively the Government's position of supporting the parent's right to elect to home educate?

In total, 4,259 consultees responded to this question. Overall, 86% of respondents strongly or somewhat disagreed that the guidance conveys positively the Government's position of supporting the parent's right to elect to home educate (Figure 1). Among local authority representatives, just 13% strongly or somewhat disagreed, while 83% strongly or somewhat agreed. Amongst all other respondent groups the proportions of combined

[2] The protected characteristics are age, disability, gender reassignment, marriage and civil partnership (although this is only relevant in relation to eliminating unlawful discrimination, harassment and victimization), pregnancy and maternity, race (including ethnicity, nationality and national origin), religion or belief, sex and sexual orientation.

strongly and somewhat disagree responses varied between 74% (evident in the 'other' category) and 97% (among children/young people).

Figure 1: Levels of agreement with the guidance conveying positively the Government's position of support the parent's right to elect to home educate

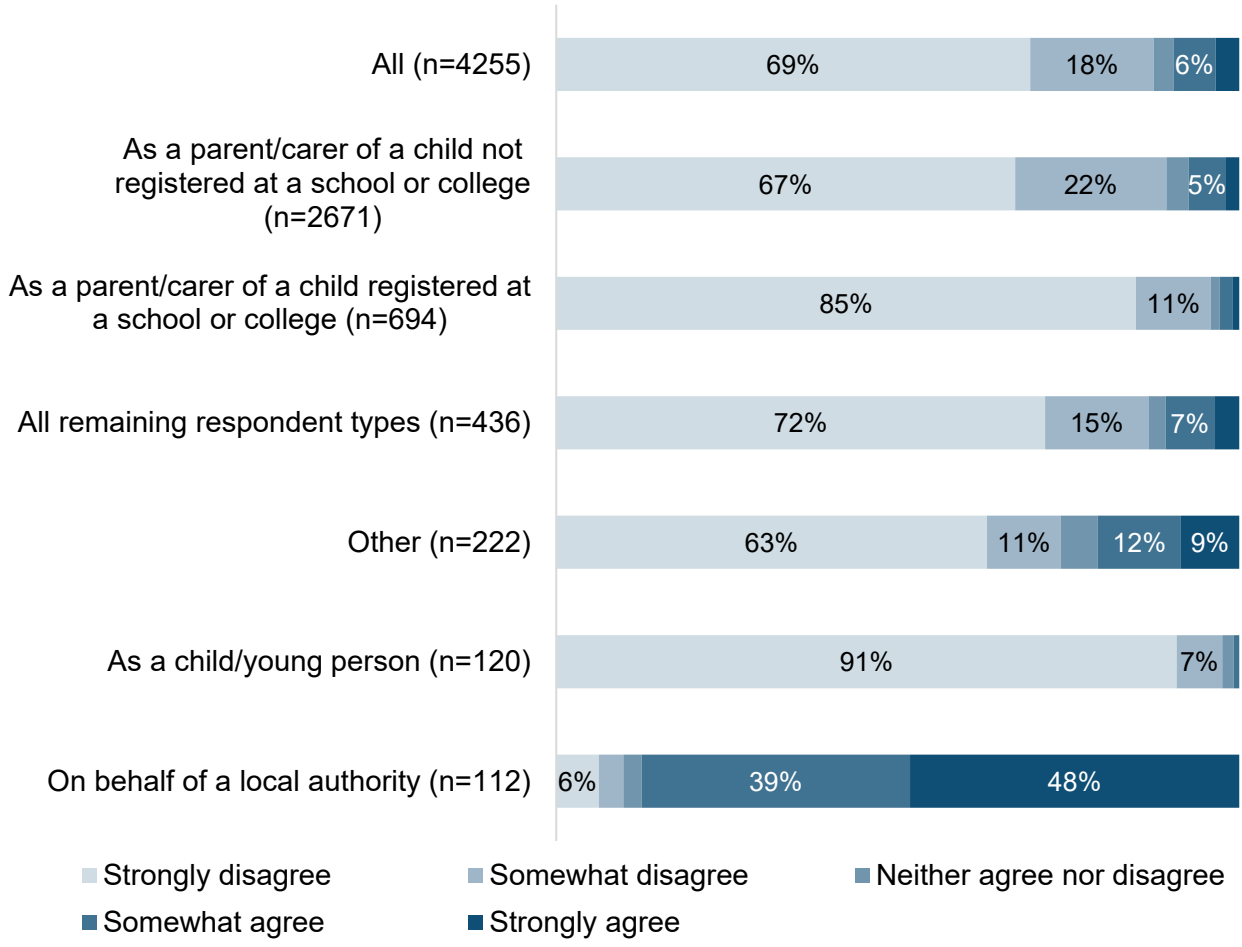


Percentages below 5% are not labelled.

Q1.2 Does the guidance convey the flexible nature of EHE and respect for different education methods and pedagogies?

There were 4,255 responses to this question. Across all respondents, nearly 9 in 10 respondents (87%) strongly or somewhat disagreed that the guidance conveys the flexible nature of EHE and respect for different education methods and pedagogies. However, there is a difference in opinions between those representing local authorities and all other respondent types, with just 10% of local authority representatives disagreeing strongly or somewhat and 87% agreeing strongly or somewhat (Figure 2).

Figure 2: Levels of agreement with the guidance conveying the flexible nature of EHE and respect for different education methods and pedagogies

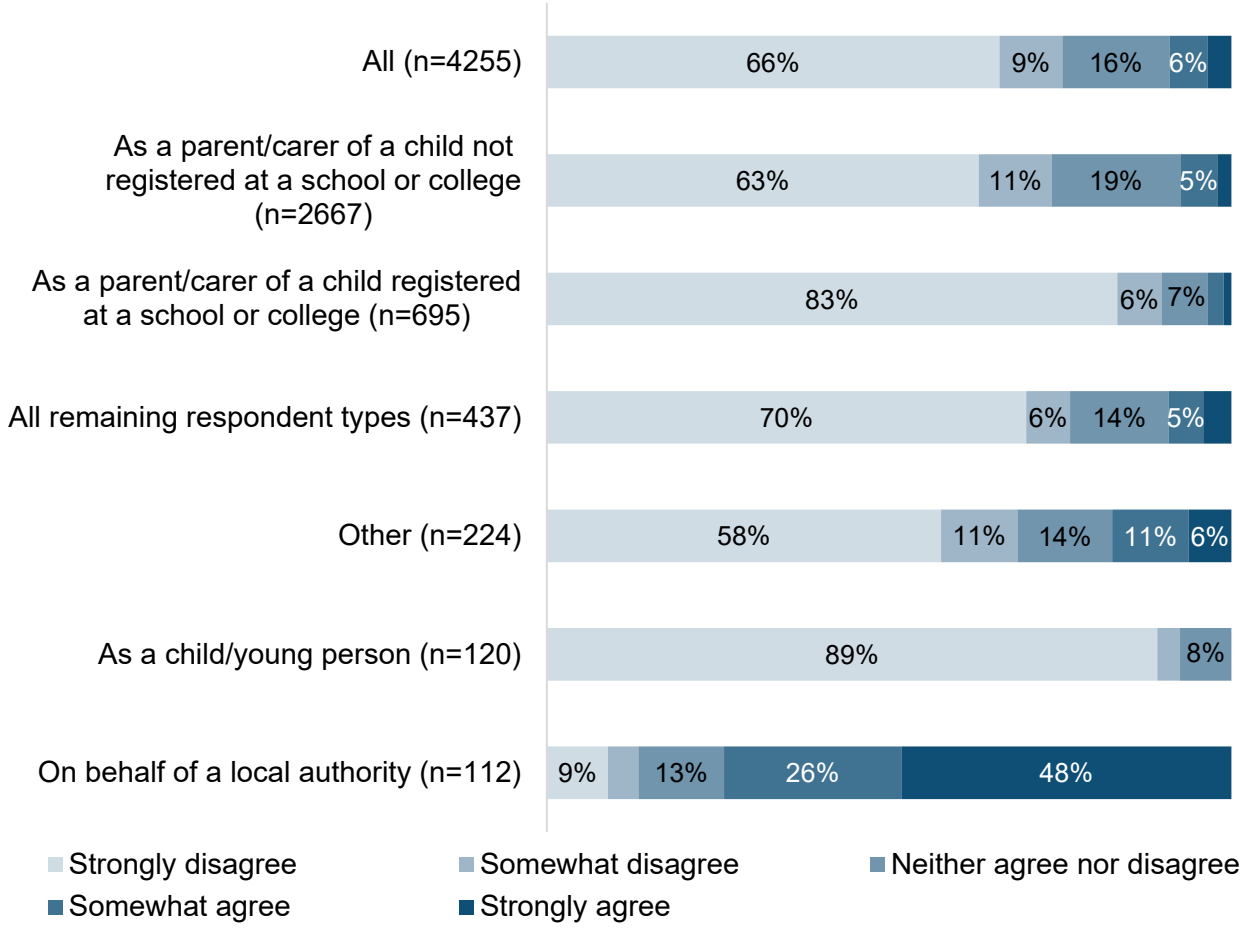


Percentages below 5% are not labelled.

Q1.3 Does the guidance consider relevant protected characteristics and ensure none are disadvantaged by the revised guidance?

In total there were 4,255 responses to this question. Three-quarters (75%) of respondents strongly or somewhat disagreed that the guidance considers relevant protected characteristics and ensures none are disadvantaged by the revised guidance (Figure 3). Children/young people and parents/carers of children registered at a school or college recorded the highest proportions of disagree responses (92% and 89% respectively strongly or somewhat disagreed). By contrast, just 13% of local authority representatives disagreed that this was the case and 74% strongly or somewhat agreed.

Figure 3: Levels of agreement that the guidance considers relevant protected characteristics and ensures none are disadvantaged by the revised guidance



Percentages below 5% are not labelled.

Q1.4 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?

There were 2,053 responses received to this question[3]:

Most parents perceived the overall tone of the guidance as negative, unsupportive, or discouraging towards EHE. Home-educating parents were concerned the guidance did not fully convey support for their right to choose home education, that home education was not valued, and it implied a general distrust of their ability to provide a suitable education.

Parents were concerned the guidance promoted excessive monitoring and oversight of EHE families. Many expressed concerns the guidance went beyond the current legal requirements and duties of local authorities in regulating and monitoring home education. Parents felt it encouraged local authorities to overstep their legal boundaries, and interfere with the autonomy of EHE families, damaging relationships and trust between local authorities and EHE families. The proposed requirements for local authority visits, interviews, and evidence were viewed as intrusive by parents.

Home educating parents often highlighted the conflation of EHE suitability assessments with wider safeguarding concerns within the guidance which they felt led to EHE being portrayed as a safeguarding risk, stigmatising families, and potentially leading to unwarranted interventions. Concerns were raised the guidance did not adequately protect EHE families against discrimination based on protected characteristics or socioeconomic status with comments the guidance favoured a narrow, conventional view of education, whilst not sufficiently considering the unique approaches and needs of EHE families, particularly those with SEN or disabilities. Parents thought the guidance did not adequately recognise, understand, or accommodate the diverse range of EHE pedagogies, methods, and philosophies.

While most home educating parents were critical of the guidance, a small minority acknowledged some positive aspects, such as the recognition of unschooling as a valid approach and the need for local authorities to ensure all children receive a suitable education.

There were mixed views on the tone and content of the parent guidance amongst local authorities, charities and schools. Whilst some believed the tone was generally positive and supportive towards EHE and parents' rights to home educate their children and a

[3] 1,420 from a parent/carer of a child not registered at a school or college, 195 from a parent/carer of a child registered at a school or college, 57 from a child/young person, 71 from local authorities, 182 from all remaining respondent groups and 128 from 'other'.

minority felt the guidance was an improvement, others felt the wording was too informal, open to interpretation and lacked clarity. Local authorities called for clearer definitions around the terminology used in the guidance, such as ‘suitable education’, ‘light-touch’ and ‘full-time education’.

Improved guidance for parents about their responsibilities when providing EHE was requested by local authorities. For example, on the need to show progress and the current lack of emphasis on parents providing detailed information around the provision of literacy and numeracy. Furthermore, local authorities raised concerns that the parent guidance overemphasized what parents do not have to do, over what is expected of them. Inclusion of the Portsmouth case[4] was requested, as this was felt to provide clarity around boundaries for suitable education for both local authorities and parents.

Strengthening of the local authority guidance was requested, clarifying statutory duties and responsibilities with regards to EHE. Concerns were raised the guidance did not provide local authorities with the tools needed for adequate safeguarding, particularly where EHE did not appear to be in the best interests of the child (see Section 9 for more detailed feedback on safeguarding).

Contradictions and inconsistencies between the parent and local authority guidance were highlighted in the language and tone of the two documents and some raised concerns that this could lead to conflict between local authorities and parents, damaging relationships (see Section 3 for more detail). A minority believed that one combined guidance document for local authorities and parents would avoid any discrepancies and that the flow charts should be reinstated to improve clarity for parents.

Improvements in the content of the guidance were requested, including more guidance on the duty of schools and scenarios where EHE was a result of problems at school rather than a positive education choice. It was also noted by some local authorities that the guidance did not give enough emphasis to the child’s voice in decisions about EHE. A minority felt the guidance was too long and that a shorter version would be beneficial.

[4] Goodred v Portsmouth City Council [2021] EWHC 3057 (Admin) (16 November 2021) (bailii.org)

3 EHE guidance for parents

This section of the consultation sought views on whether the revised EHE guidance for parents was accessible and straightforward for parents to understand.

Table 4 details the questions asked, and the number of responses received to each question.

Table 4: Questions on EHE Guidance for parents

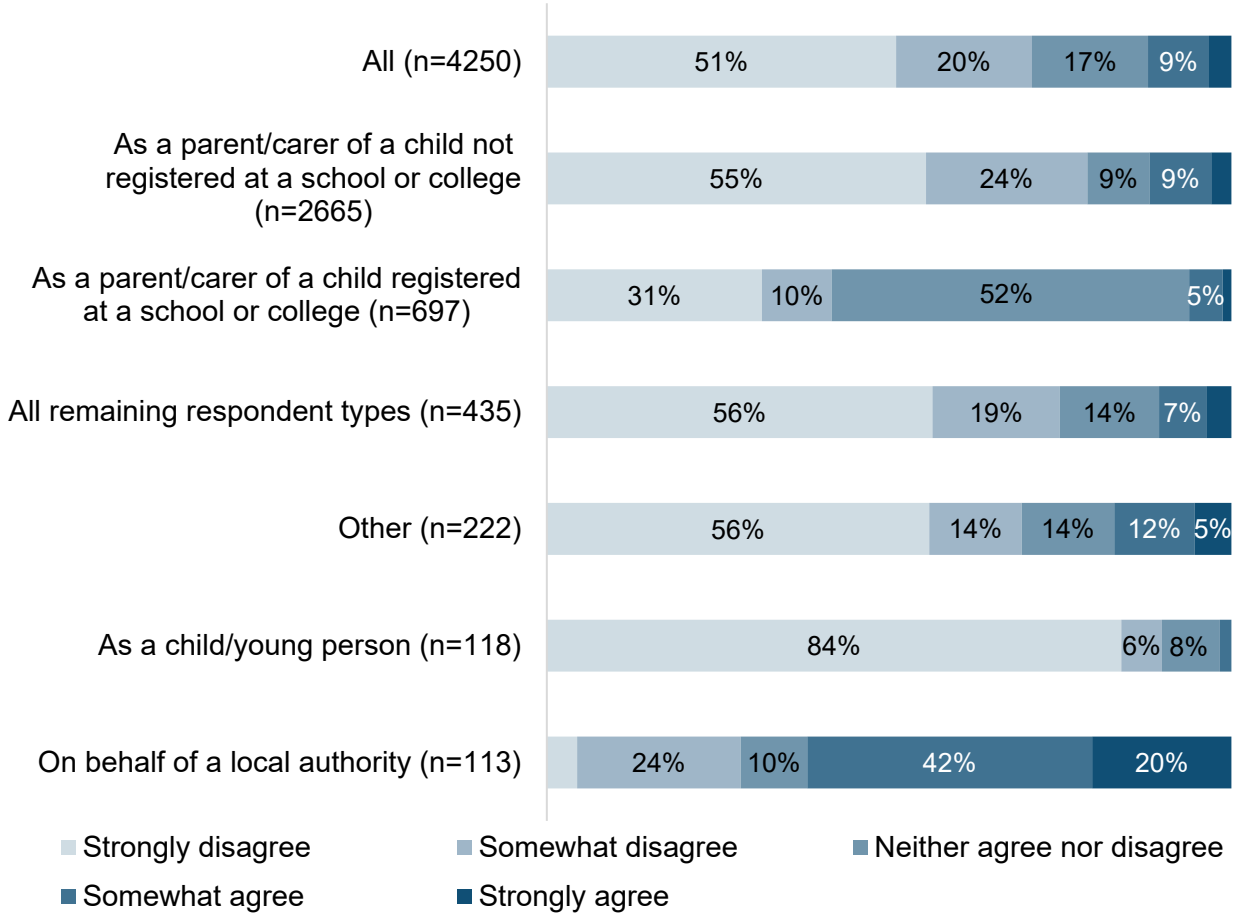
Questions	Number of responses
Is the EHE guidance for parents clear and easy to understand?	4,250
Would there be value if there was an additional short (one or two-sided) documents for parents summarising the key points for parents to be aware of should they wish to home educate?	4,249
Is the complaints process, as outlined in the guidance, clear?	4,238
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?	1,650
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.	1,442
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	831

Q2.1 Is the EHE guidance for parents clear and easy to understand?

In total there were 4,250 responses to this question. Opinions were mixed on the extent to which the EHE guidance for parents was clear and easy to understand (Figure 4). Overall 71% of respondents strongly or somewhat disagreed, while 12% agreed to some degree. However, when viewed by respondent type, local authority representatives recorded the lowest proportion of disagree responses (28% disagreed strongly or somewhat), and the highest proportion of strongly or somewhat agree responses (62%).

Home educating parents gave the second highest proportion of disagree responses (79% somewhat or strongly disagreed), behind only the children / young people category where 90% disagreed. Approximately two-fifths (41%) of parents/carers of children registered at a school or college disagreed that the guidance for parents is clear and easy to understand, making this the second lowest proportion of disagree responses (after local authority representatives); although a relatively high proportion of this group (52%) answered 'neither agree nor disagree'.

Figure 4: Levels of agreement that the EHE guidance for parents is clear and easy to understand



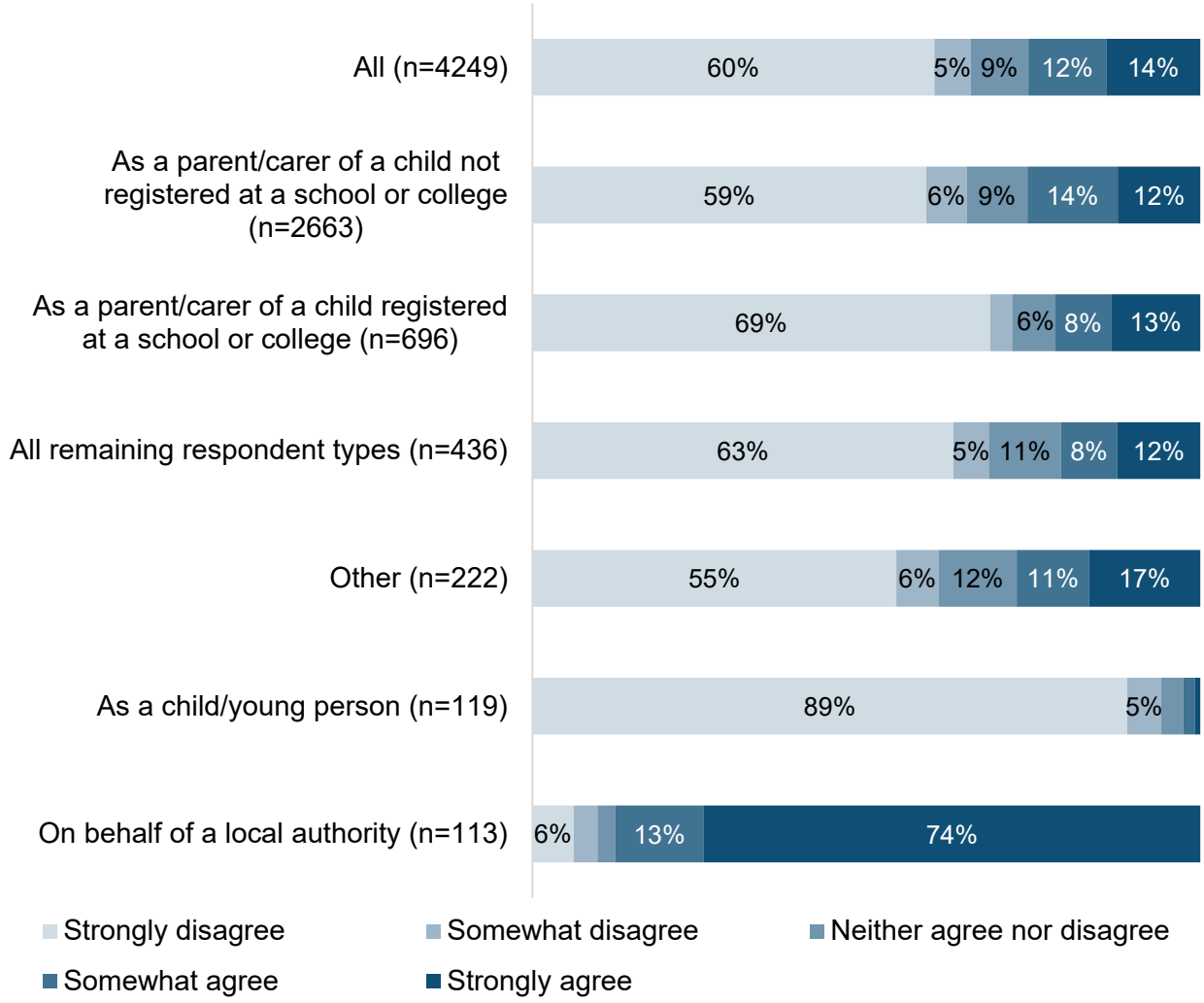
Percentages below 5% are not labelled.

Q2.2 Would there be value if there was an additional short (one or two-sided) documents for parents summarising the key points for parents to be aware of should they wish to home educate?

There were 4,249 responses to this question. Overall around a quarter (26%) of respondents agreed to some degree that there would be value in an additional document for parents to summarise the key points for those wishing to home educate, while nearly two-thirds (65%) disagreed (Figure 5).

Those answering on behalf of a local authority were, however, far more likely than those in other respondent categories to agree that such a document would be valuable: 87% of local authority representatives agreed and 10% disagreed; this compares to 26% and 65% of home educating parents agreeing and disagreeing respectively.

Figure 5: Levels of agreement that there would be value in an additional short document for parents summarising the key points for parents to be aware of should they wish to home educate

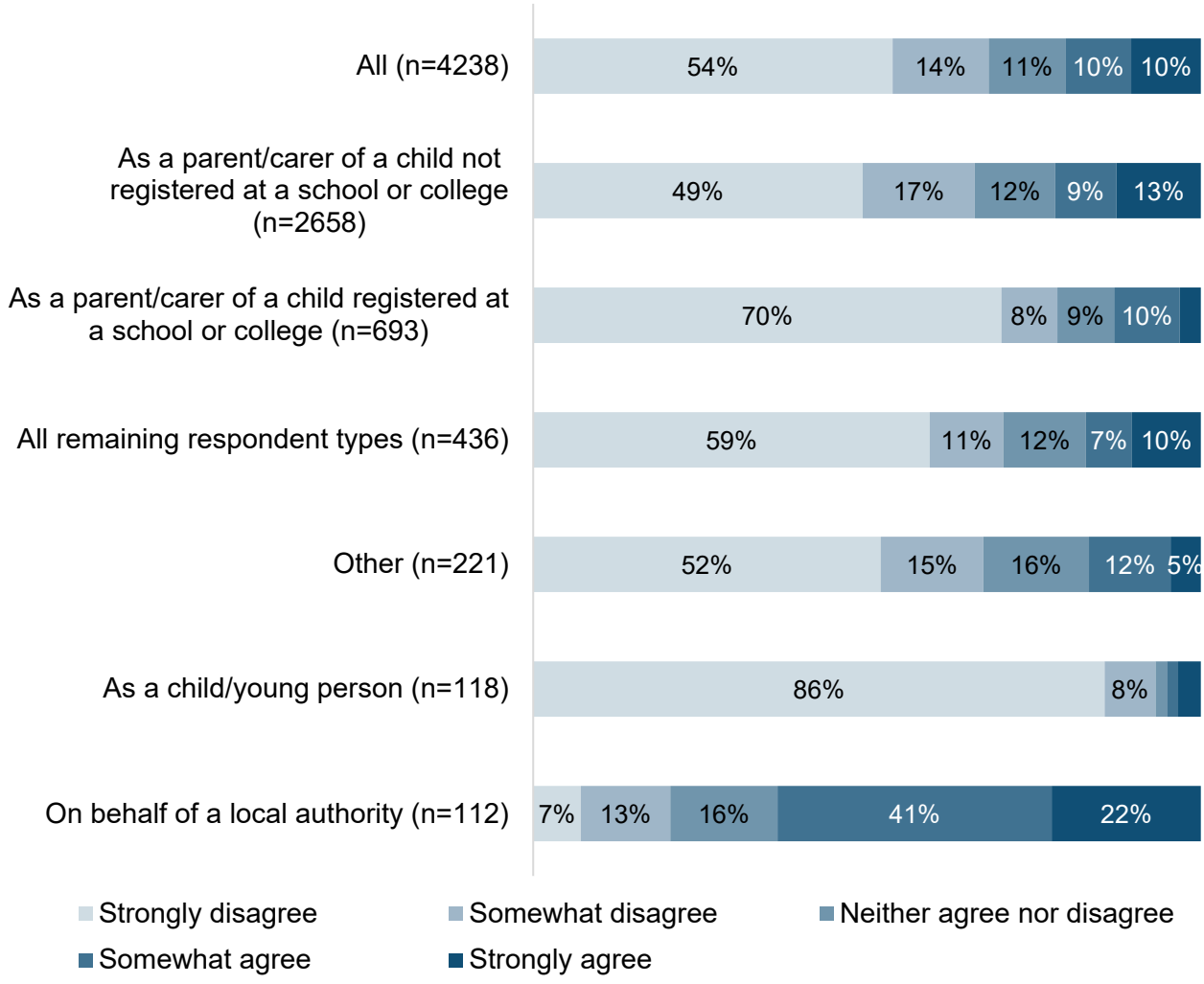


Percentages below 5% are not labelled.

Q2.3 Is the complaints process, as outlined in the guidance, clear?

Figure 6 shows that just over two-thirds (68%) of the 4,238 respondents who answered this question strongly or somewhat disagreed that the complaints process as outlined in the guidance is clear, while one in five (20%) strongly or somewhat agreed. Once again, local authority representatives tended to express different views to those in other respondent categories, with 20% disagreeing strongly or somewhat and 63% agreeing. After local authority representatives, home educating parents were the group with the second highest proportion of agree responses (22% strongly or somewhat agreed).

Figure 6: Levels of agreement that the complaints process, as outlined in the guidance, is clear



Percentages below 5% are not labelled.

Q2.4 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?

There were 1,650 responses to this question[5].

Ambiguity and the need for clarity: Home-educating parents, charities and local authority respondents reported a level of ambiguity throughout the parent guidance in relation to the law, and the rights and responsibilities of both the local authority and the parent when delivering and evidencing the provision of suitable EHE.

Home educating parents were concerned that information provided about the number of learning hours, delivering a broad curriculum, use of online learning and home visits were somewhat ambiguous, contradictory and were not a legal requirement for parents delivering EHE. As such, many parents considered suggestions in the guidance as to what 'good' EHE looks like to be inaccurate and somewhat patronising.

Local authorities requested a greater level of clarity on what parents must provide to evidence the provision of suitable EHE (see Section 4 for more detail). There were concerns that home educating parents thought they did not have to provide any evidence to the local authority, which conflicted with Ofsted's expectations for what information local authorities should be obtaining from parents. Many local authorities requested clearer guidance on how the law and guidance applies when a child with an Education, Health and Care plan (EHC plan) was being home-educated (see Section 6 for more detail).

Accessibility of the parent guidance: There were some concerns from charitable organisations and local authorities that the guidance was text heavy, some of the language was technical, and that the main points were difficult to extract, particularly for parents with English as an additional language (EAL). As such, many thought a summary of the main points would be beneficial. However, many home educating parents did not consider a short summary necessary, and if a short summary was to be included, it should have been included as part of the consultation.

Many parents were somewhat critical of the language within the guidance and requested it was written in plain English. Parents and charitable organisations were critical of the tone of the guide, suggesting it should be written with a more positive stance towards home learning that would foster better relationships between parents and their local authorities.

[5] 1,187 from a parent/carer of a child not registered at a school or college, 93 from a parent/carer of a child registered at a school or college, 43 from a child/young person, 92 from local authorities, 133 from all remaining respondent groups and 102 from 'other'.

Planning for EHE: There were concerns from both home educating parents and local authorities about the reference to planning EHE provision. Parents objected to the term ‘plan’ as this was not considered to be a legal requirement. Whereas many local authorities were concerned there was a lack of planning at the point at which parents decided to EHE and that the term ‘find your feet’ in the guidance was too vague and could result in a hiatus in a child’s education provision. Some parents and charities asked for more detail in the guidance about flexi-schooling as an alternative to EHE suggesting that more parents may consider this as an alternative if there was a greater emphasis on this as an option in the guidance.

The provision of suitable education: Parents were concerned that EHE provision in the guidance seemed to over emphasise the use of external tutors or external organisations. Parents asked that suggestions for suitable EHE reflected the diversity of children and young people’s talents and needs and should include for example: learning through language, writing and workbooks, art and videos, self-study, online and in person groups, play, projects, qualifications outdoor activities.

Parents also requested particular attention be made to children and young people with SEND and how the local authority would take their needs into account when judging the suitability of learning, progression and outcomes.

Local authorities requested much clearer guidance on what parents should provide in terms of evidencing suitable education and progression, and to reduce the emphasis on what parents need not provide. More detail on the need to focus on literacy and numeracy was requested by several local authorities.

Many parents expressed concerns about the over-emphasis on local authority visits to the home to judge the suitability of the learning environment as this was considered by parents to be invasive of private family life. While local authorities called for more detail in the guidance around local authority access to the child, particularly if there is a safeguarding concern, but also to monitor the suitability of the learning environment.

Complaints procedure: There was agreement from many respondents that the complaints information was difficult to find and could be included as a discrete section in the guidance.

Q2.5 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.

This question was answered by 1,442 respondents[6]:

The most prominent theme was the concern from home educating parents that having separate guidance documents for parents and local authorities could lead to confusion, misinterpretation, and inconsistency. Parents thought having a common document would help foster better relationships and understanding between home educating families and local authorities. A few parents and local authorities suggested that including case studies in the parent guidance as well would be helpful in improving understanding.

Several parents highlighted some inconsistencies between the two documents including:

- The greater emphasis in the local authority guidance on conducting home visits which was not reflected in the parent guidance, with concerns this emphasis could lead to conflict.
- The use of the term *'setting'* to describe the home in the local authority guidance, was considered inaccurate and this language was not mirrored in the parent guidance.
- Inconsistencies in the use of *'home education'* and *'home schooling'* in both guidance documents.
- The local authority guidance suggesting recommended learning hours should be 4-5 hours a day, but no benchmark being mentioned in the parent's guidance.
- Inconsistencies with what parents should and should not do to evidence suitable educational provision.
- References to the standard of education premises was inconsistent between the two guidance documents. For example, the parent guidance mentioned that parents did not have to equip their home to a particular standard, while the local authority guidance suggested that the resources and physical suitability of the learning environment should be considered.

[6] 1,059 from a parent/carer of a child not registered at a school or college, 88 from a parent/carer of a child registered at a school or college, 36 from a child/young person, 63 from local authorities, 106 from all remaining respondent groups and 90 from 'other'.

Several local authorities also highlighted inconsistencies between the two documents including:

- More detail within the local authority guidance on examples of work and visiting families, with less emphasis in the parent guidance on this aspect. Local authorities felt this lack of consistency placed them in a difficult position when determining the suitability of education and progression.
- A clearer emphasis on literacy and numeracy in both guides; feedback that in the parent guide it says the local authority *'may'* ask for evidence, and in the local authority guide it uses the phrasing *'should'*.
- The parent's guidance states parents do not need to assess their child's progress but in the local authority guidance it says parents should be able to explain progress.
- The need to inform the school in writing of the intention to withdraw their child from the school roll is inconsistent across the two guidance documents. For example, in the parent's guidance it states that parents do not need to inform the school, while in the local authority guidance it suggests that local authorities should be expecting a written submission to the school. Local authorities would prefer a written submission.
- The detail on the application of a SAO and the procedures to be followed are not comparable and could lead to conflict.
- The parent guidance informs parents that they are under no duty to respond to local authorities' informal enquiries, but the local authority guidance asks local authorities to engage with parents and that a non-response will trigger further investigations. This was not felt to be clear in the parents' guidance.
- Information about disputes should also be provided in the parent guidance.
- Information about Children of Faith in the parents' guidance could be reflected in the local authority guidance with a specific section on this.
- Clarity on the reference to level 3 learning in the parent guidance and the responsibilities of the local authority for EHE children without a level 3 qualification.

Question 2.6 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

There were 831 responses received to this question[7]. Around a third of these mentioned specific local authorities, however the level of detail provided was varied and in some cases no detail was provided. Most of the comments related to the support and approach of local authority EHE teams and staff, rather than providing details about the guidance produced by local authorities. Some local authorities were mentioned by respondents' multiple times, while others were mentioned less frequently.

Parents who provided examples of good practice most mentioned local authorities adopting a respectful, supportive and collaborative approach which focused on building mutual trust. It was common for parents to associate good practice with local authorities that did not impose frequent monitoring or regular reports beyond what was legally required.

Other examples of local authority good practice mentioned by parents included:

- Efficient processing of deregistration from school to home education including offering support and guidance for families transitioning.
- Demonstrating knowledge and acceptance of various educational philosophies and methods use in EHE.
- Offers resources, information and support to home educating families.
- Employs staff who are well-informed about home education laws, practices and SEND.
- Engages with local home education groups to develop policies and understand the community's needs.
- Offers specific support and resources for home educated children with SEND or additional learning needs.
- Assists with access to examination centres and provides financial support for exams.
- Has clear and accessible procedures for home educators to provide feedback or raise concerns about local authority practices.

[7] 600 from a parent/carer of a child not registered at a school or college, 47 from a parent/carer of a child registered at a school or college, 24 from a child/young person, 32 from local authorities, 70 from all remaining respondent groups and 58 from 'other'.

4 Questions on ‘suitable education’

Under Section 7 of the Education Act 1996 parents have a duty to provide efficient, full-time and suitable education for their child of compulsory school age, either at school or otherwise (e.g. EHE). The revised guidance aims to provide further clarity to aid understanding of suitable education and how to ensure its provision, with the following key revisions being made:

- Separation of the processes for how local authorities decide whether a child is receiving suitable education and the response to be taken when education appears unsuitable.
- Encouraging local authorities at the informal enquiries stage to notify parents of any concerns about the home education provided.
- Greater emphasis on the approach taken to literacy and numeracy.
- Stronger acknowledgement of different EHE methods and pedagogies.

Table 5 details the questions asked, and the number of responses received to each question.

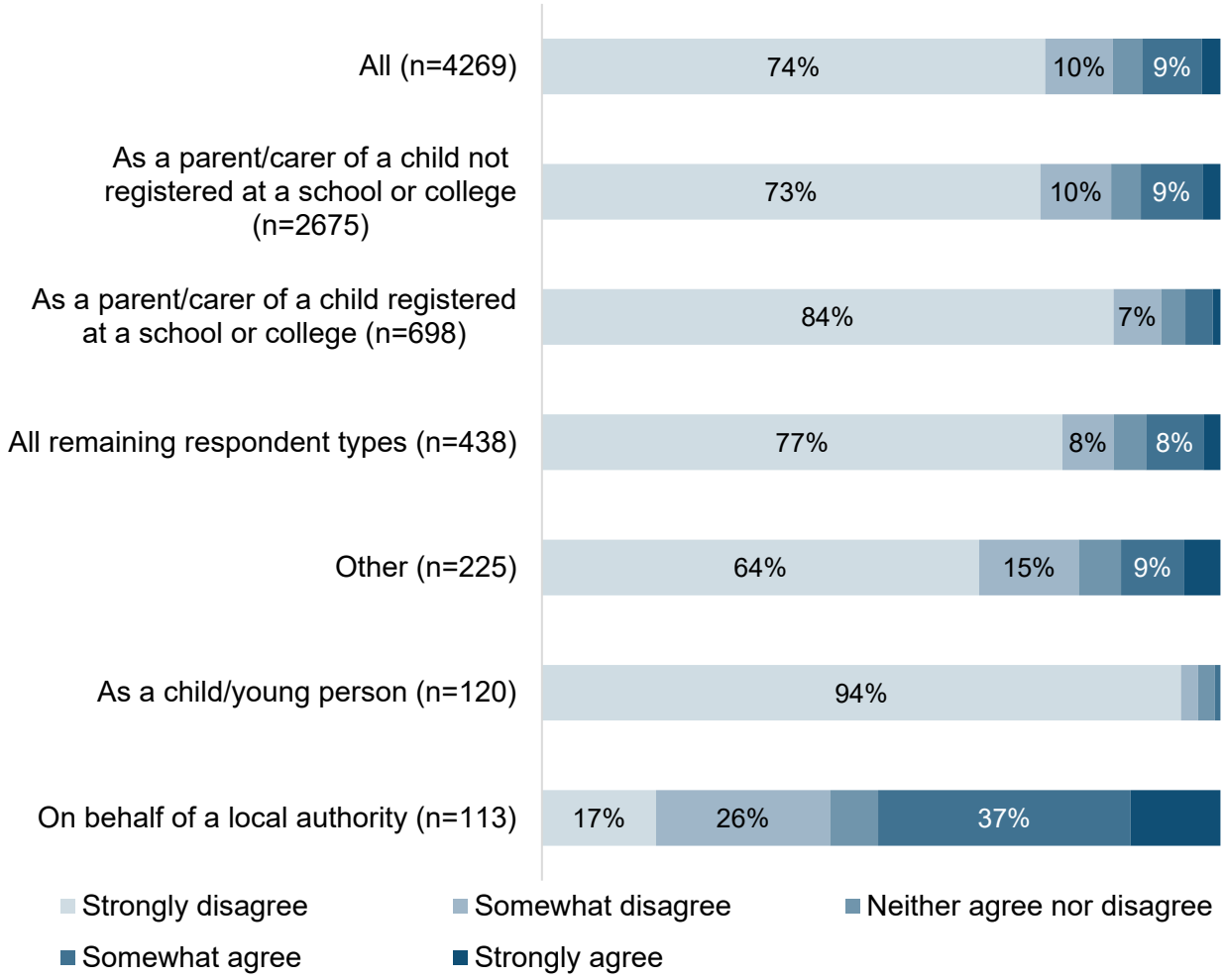
Table 5: Questions on Suitable Education

Questions	Number of responses
Does the guidance clearly set out the factors that should be considered when assessing whether education appears suitable?	4,269
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?	4,270
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?	4,270
Do you have any comments regarding how suitable education is outlined in the guidance or further information that illustrates your answers above?	1,913

Q3.1 Does the guidance clearly set out the factors that should be considered when assessing whether education appears suitable?

In total, 4,269 consultees answered this question. Almost three-quarters (74%) of respondents strongly disagreed that the guidance clearly sets out the factors that should be considered when assessing whether education appears suitable, and a further 10% somewhat disagreed (Figure 7). The highest proportion of strongly disagree responses was among children/young people (94%). Local authority representatives were more likely to agree than other respondent groups, but their responses to this question were divided somewhat more evenly between the agree and disagree categories for this question than for other questions, with 50% agreeing and 43% disagreeing.

Figure 7: Levels of agreement that the guidance clearly sets out the factors that should be considered when assessing whether education appears suitable



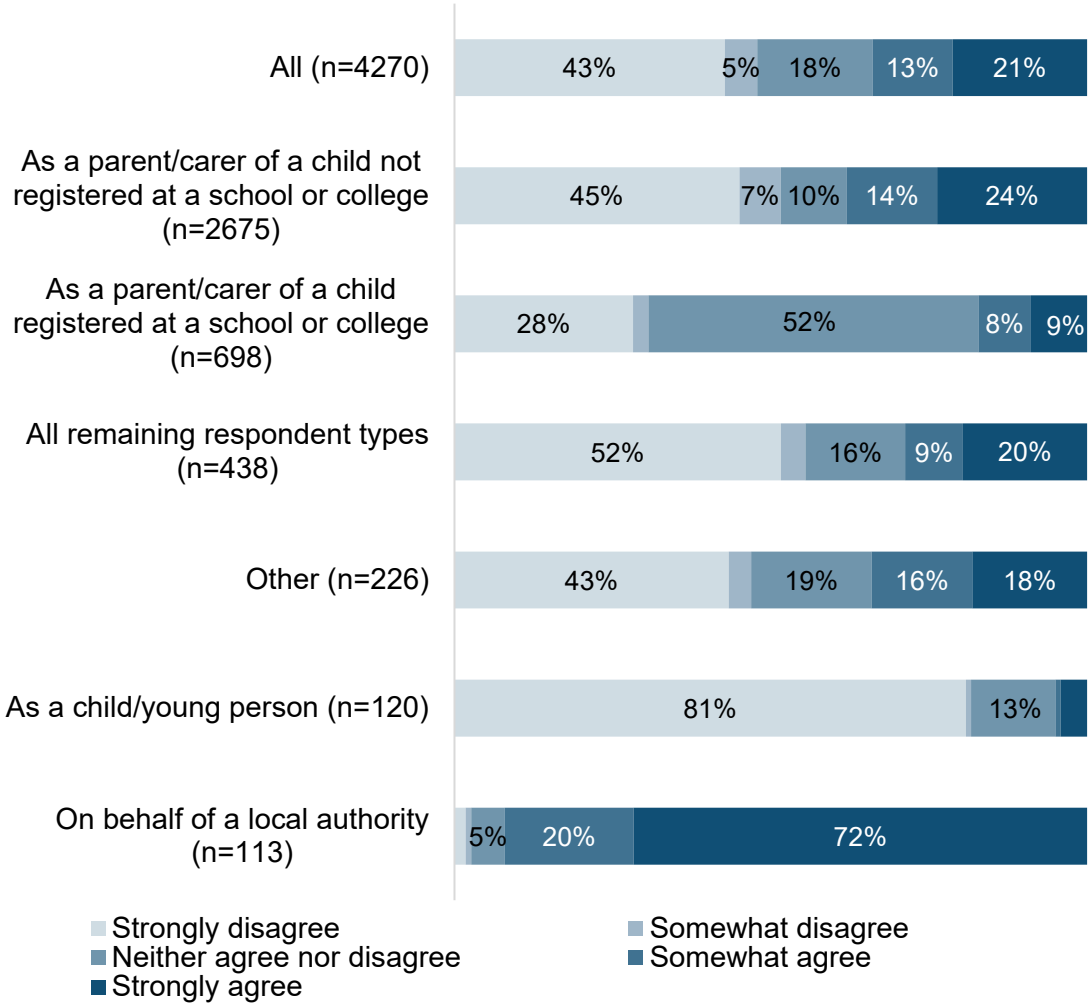
Percentages below 5% are not labelled.

Q3.2 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?

Opinions were somewhat mixed among the 4,270 consultees who answered this question on whether it is 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 (Figure 8). Across all respondents, just under half (48%) disagreed strongly or somewhat and nearly a quarter (24%) agreed strongly or somewhat.

Local authority representatives again recorded a higher proportion of agree responses than any other respondent category, with 92% strongly or somewhat agreeing (3% disagreeing).

Figure 8: Levels of agreement that it is 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

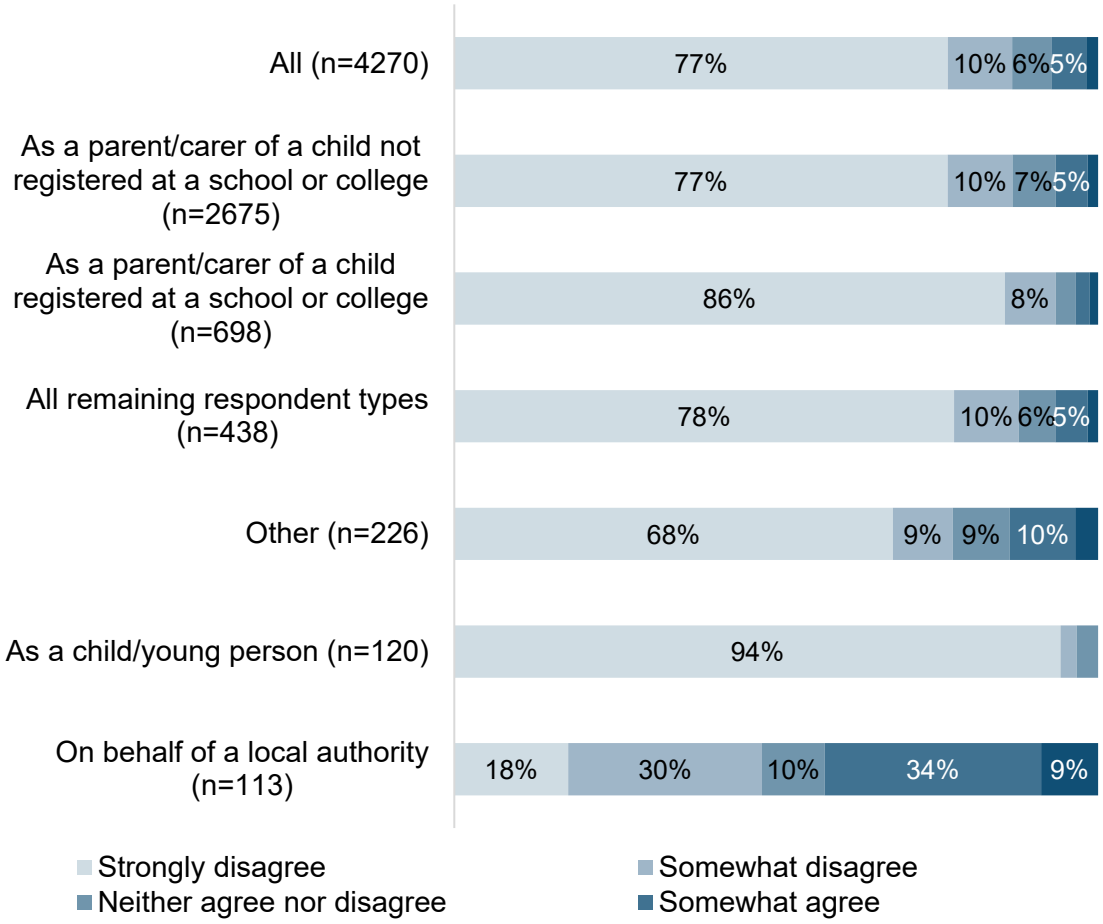


Percentages below 5% are not labelled.

Q3.3 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?

There were 4,270 responses to this question. Overall, nearly nine in ten respondents (87%) strongly or somewhat disagreed that the guidance was 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 (Figure 9). However, again, local authority representatives expressed levels of agreement in different proportions to the other respondent types; their responses were evenly spread across the combined disagree and combined agree responses, with 48% disagreeing and 43% agreeing.

Figure 9: Levels of agreement that the guidance is 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



Percentages below 5% are not labelled.

Question 3.4 Do you have any comments regarding how suitable education is outlined in the guidance or further information that illustrates your answers above?

This question was answered by 1,913 respondents[8]:

Local authorities and charities were supportive of the guidance placing more emphasis on the importance of literacy and numeracy, although some thought there may be conflicting views between EHE officers about the amount of literacy and numeracy a child should be in receipt of. Strengthening the focus on parents being required to show their child's progress, and how the needs of SEND children were being met was also welcomed by local authorities and charities.

Defining and assessing suitability of education: However, most local authorities felt the guidance did not provide enough clarity on the definition of a *'suitable education'*, the factors to consider when assessing the suitability of EHE and the expectations on local authorities to assess suitability within the constraints they faced (for example, lack of parental engagement, capacity and resources). Local authorities requested more clarity on the type of evidence they should be asking parents for, with mentions of samples of a child's work, the ability for parents to describe progress, being able to provide a description of the child's ability (areas of strength and to improve on) and resources used to support learning (including diary entries of learning, timetables etc) as common factors that were likely to be present in the provision of a suitable education. The development and sustaining of positive relationships between home educating parents, communities and local authorities was reported to be directly affected by the current lack of clarity around what evidence can be provided.

Local authorities referenced specific sections of the guidance that needed further clarification including:

- Reference in Paragraph 3.9 (of the local authority guidance) that EHE must be *'broad and balanced'.*
- Removal of the term *'could'* in the parents' guidance in reference to parents providing examples of work produced (Sections 5.4, 5.7 and 6.2) to reduce ambiguity and potential conflict between parents and local authorities.
- Further emphasis and clarification on the concept of 'progress made' and further guidance for parents on how to show and measure progress.
- The inclusion of a separate section on suitable education for year 11 children and how this is dealt with, due to it being too time-consuming to issue an SAO.

[8] 1,317 from a parent/carer of a child not registered at a school or college, 167 from a parent/carer of a child registered at a school or college, 47 from a child/young person, 87 from local authorities, 178 from all remaining respondent groups and 117 from 'other'.

- Providing case studies with examples of what constitutes suitable and unsuitable education.
- Further clarity on how assessing suitability should be considered for potentially vulnerable EHE children (including those with a Child Protection Plan or EHC plan).

Expected level of parental engagement: Several local authorities expressed frustration with the lack of duty on EHE parents to engage with the local authority and to provide access to and evidence of education and the environment that it takes place in. Assessing the suitability of EHE was challenging for local authorities to achieve when there was limited duty on the parent to provide or to allow access to the home.

Local authorities would welcome further clarification on '*reasonable engagement'* and what that would mean in practice. Local authorities expressed concerns that ambiguity in the guidance around expected levels of engagement could lead to this being interpreted in different ways by parents, local authorities and between local authorities which could lead to problems. The importance of parental engagement in effective EHE provision was highlighted by local authorities who thought messaging around the benefits of positive engagement could be strengthened.

Local authorities felt it should be made more explicit that a local authority would expect voluntary engagement from parents to assess the suitability of education and to reduce the likelihood of escalation (e.g. formal enquiries). They supported the inclusion of a minimum requirement that a EHE child was seen at least annually to hear the child's view on being home educated, with the recognition that a child's voice could not often be gained in an autonomous manner.

The views of parents and children and young people can be summarized under the following key themes, with some commonalities in the views expressed with other questions in the consultation:

Inconsistencies and contradictions within and between guidance documents: Many parents identified discrepancies, contradictions, or inconsistencies between the guidance documents particularly around the presentation and application of safeguarding powers, annual review processes, and the criteria used to determine suitability. The local authority guidance was viewed as being heavily focused on requiring evidence of suitable education, which was a change from the earlier guidance which was more focused on relationship building between local authorities and parents.

Overreach of local authority powers and infringement on privacy and parental rights: As seen in response to other questions many parents expressed concerns the guidance encouraged local authorities to exceed their legal powers or duties (for example in relation to the right to a private family life and the freedom to choose and provide a

suitable education for their children). Respondents suggested that guidance was inconsistent with existing laws and legal frameworks related to home education.

Lack of support for diverse educational approaches and pedagogies and insufficient consideration of special educational needs and disabilities (SEND): Many respondents thought the guidance did not adequately support or recognise diverse educational philosophies and methods used in home education (including unschooling or autonomous learning). Others mentioned a lack of consideration given to the needs of EHE children with SEND.

Lack of trust in parents and assumption of guilt: Parents felt the guidance showed a lack of trust in home-educating parents and assumed that parents were providing unsuitable education until proven otherwise.

Potential for damage to parent-local authority relationships and the need for collaboration: Many expressed concerns the guidance may harm relationships between EHE parents and local authorities. They emphasised the importance of collaboration and involvement of the EHE community in developing guidance and policies to foster trust and understanding.

Children and young people highlighted concerns about the focus on monitoring by local authorities and particularly having access to their homes. They felt it was the responsibility of their parents to decide on the suitability of their education and were unwilling to speak to or engage with local authority officers.

5 Preliminary Notices and School Attendance Orders (SAOs)

The revised guidance documents aimed to clarify the formal process of assessing and establishing the suitability of education provided including the system related to School Attendance Orders (SAOs) and preliminary notices.

Table 6 details the questions asked, and the number of responses received to each question.

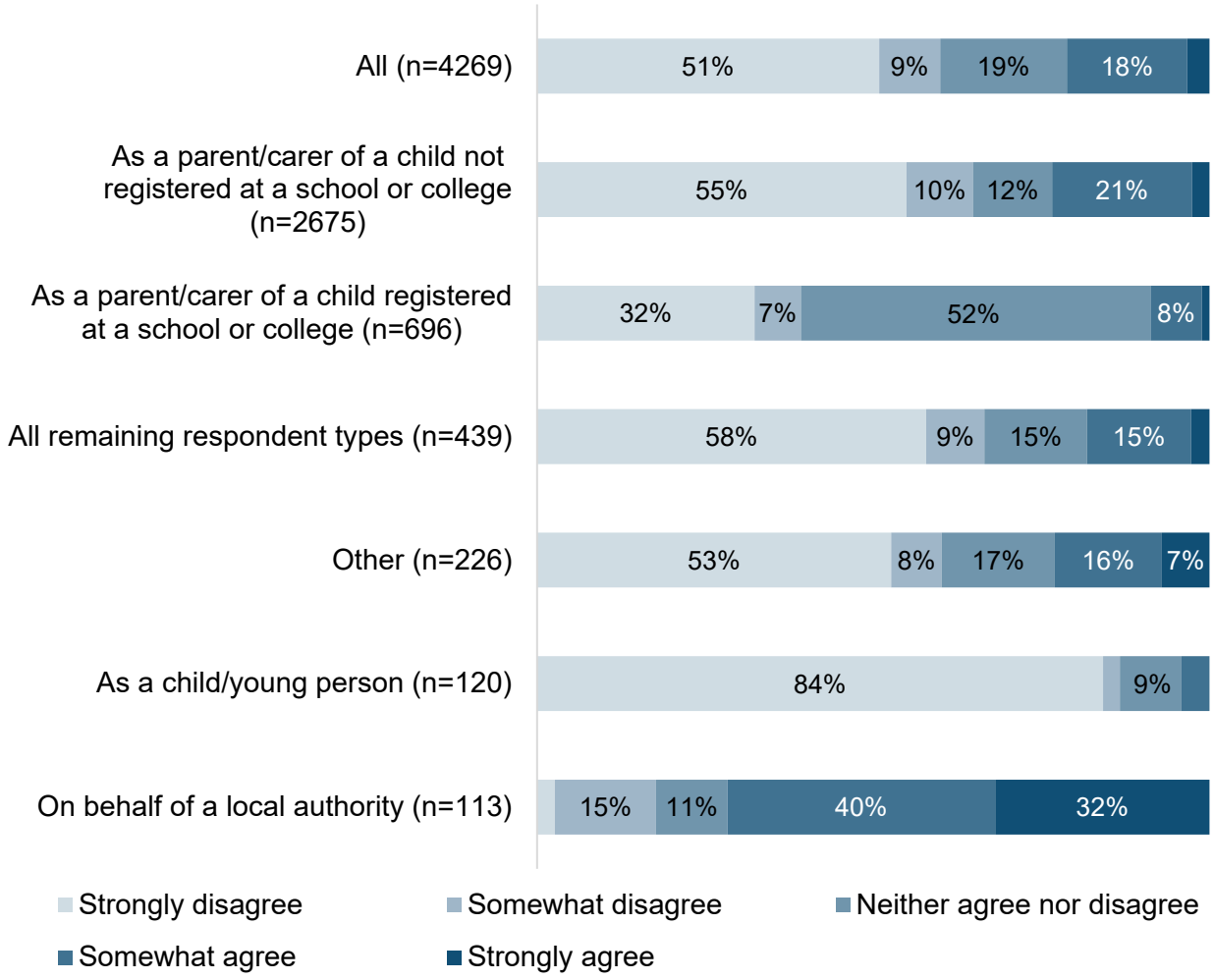
Table 6: Questions on Preliminary Notices and School Attendance Orders

Questions	Number of responses
Does the guidance make clear when and for what reason a preliminary notice must be issued?	4,269
Is the guidance clear why and at what stage a SAO must be issued?	4,269
Does the guidance clearly set out the process for SAO revocation?	4,269
Do you have any comments regarding what the guidance says about preliminary notices and SAOs or further information that illustrates your answers above?	1,366

Q4.1 Does the guidance make clear when and for what reason a preliminary notice must be issued?

In total there were 4,269 responses to this question. Figure 10 shows that three in five (60%) respondents disagreed strongly or somewhat that the guidance makes it clear when and for what reason a preliminary notice must be issued and one in five (21%) agreed strongly or somewhat. Local authority representatives tended to give higher proportions of agree responses to those in the other respondent categories with 72% of this group agreeing strongly or somewhat. Among home educating parents, almost two-thirds (65%) disagreed strongly or somewhat and nearly a quarter (24%) agreed strongly or somewhat. Those responding as parents/carers of a child registered at a school or college recorded relatively high levels of neither agree not disagree responses.

Figure 10: Levels of agreement that the guidance makes it clear when and for what reason a preliminary notice must be issued

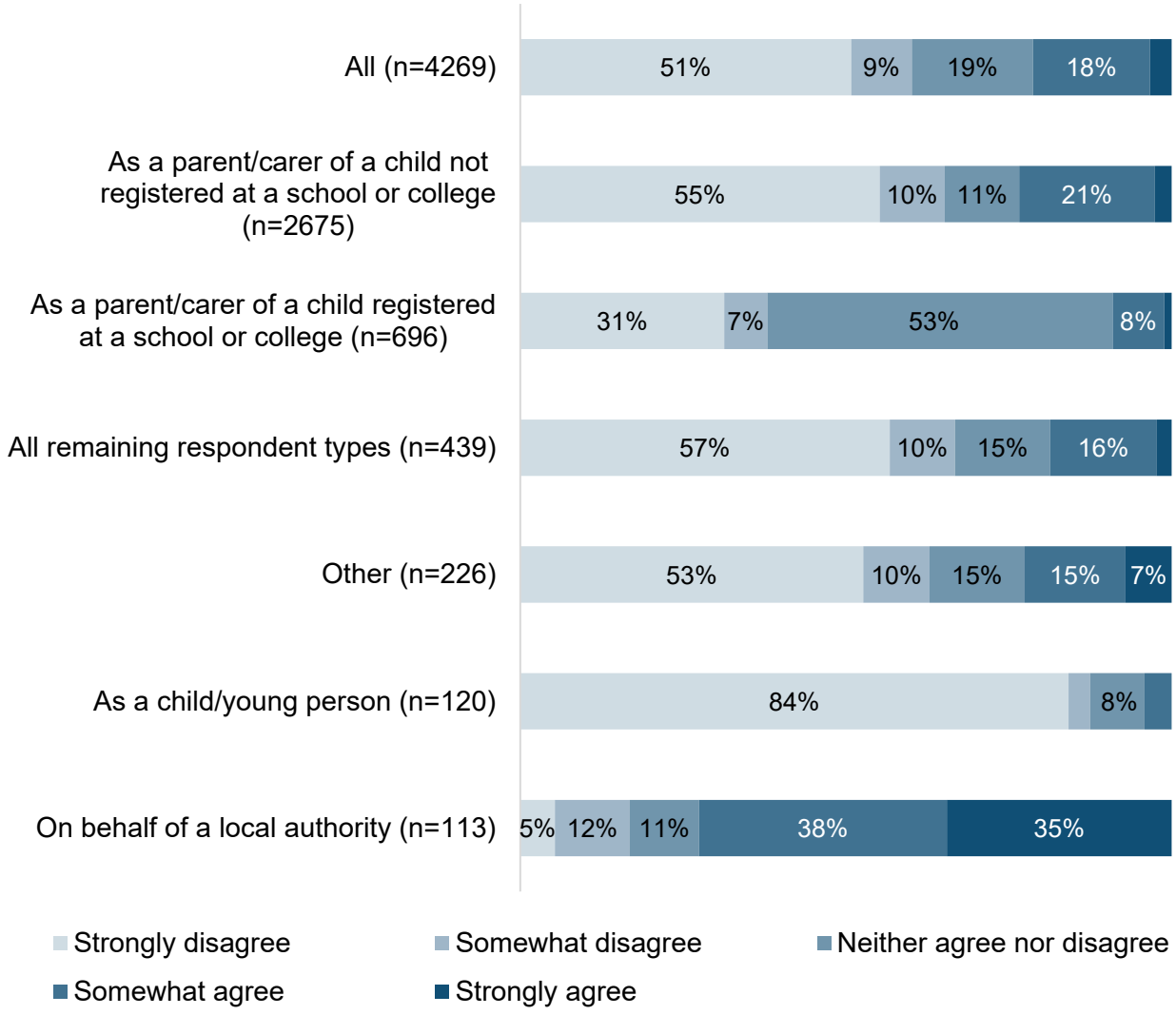


Percentages below 5% are not labelled.

Q4.2 Is the guidance clear why and at what stage a SAO must be issued?

There were 4,269 responses to this question. Around one in five respondents (21%) agreed strongly or somewhat that the guidance is clear on why and at what stage an SAO must be issued, and three in five (60%) disagreed (Figure 11). Once again, local authority representatives tended to be more likely to agree (73% strongly or somewhat agreed) than other respondent categories.

Figure 11: Levels of agreement that the guidance is clear on why and at what stage a SAO must be issued

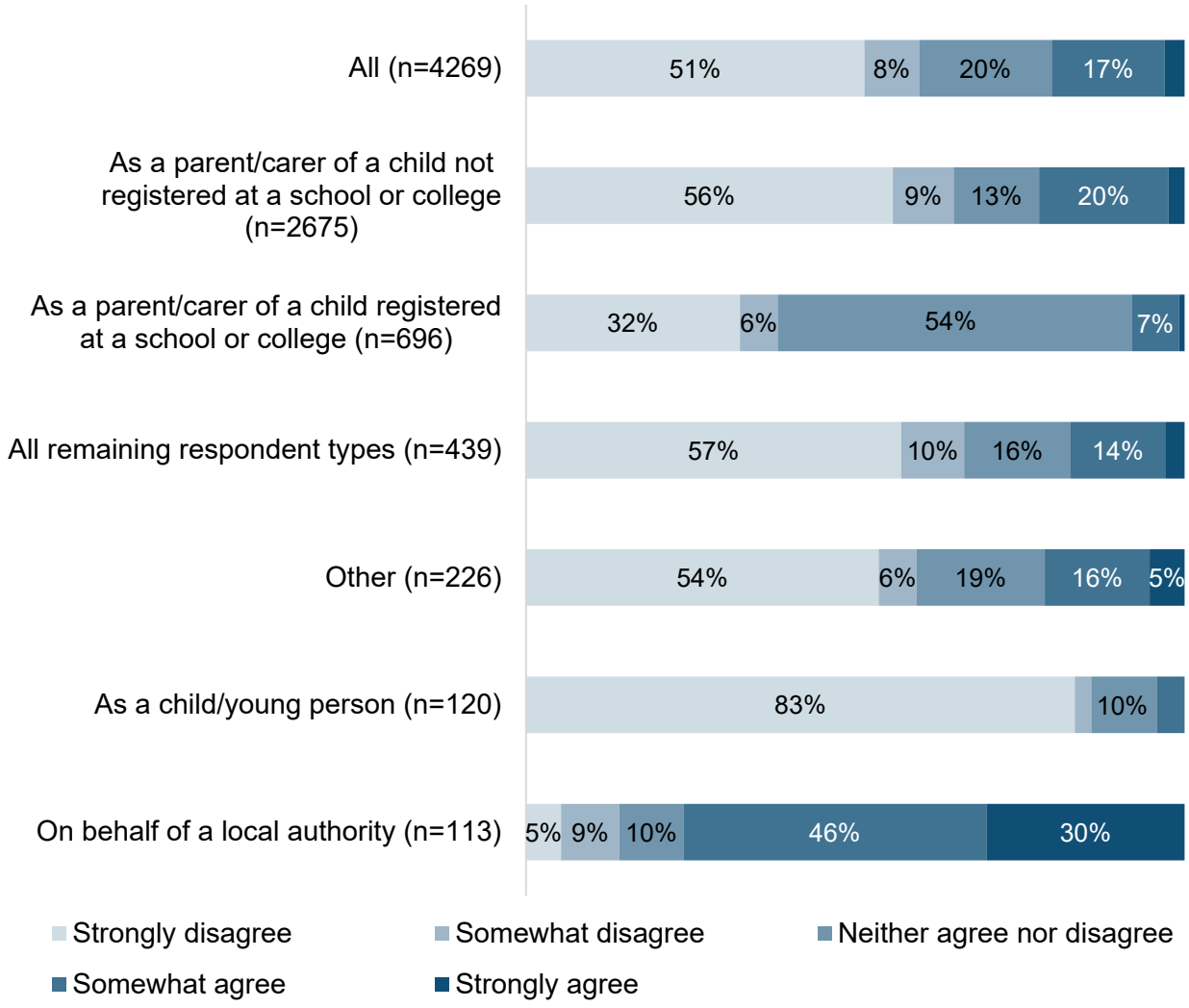


Percentages below 5% are not labelled.

Q4.3 Does the guidance clearly set out the process for SAO revocation?

This question was answered by 4,269 consultees. Figure 12 shows a similar response to that of question 4.2 (and shown in Figure 11); 59% of all respondents disagreed to some extent that the guidance clearly sets out the process for SAO revocation, and local authority representatives tended to reverse the pattern of opinion evident across other respondent groups with approximately three-quarters (76%) of those responding for a local authority indicating that they agree strongly or somewhat, and only 14% disagreeing.

Figure 12: Levels of agreement that the guidance clearly sets out the process for SAO revocation



Percentages below 5% are not labelled.

Q4.4 Do you have any comments regarding what the guidance says about preliminary notices and SAOs or further information that illustrates your answers above?

This question was answered by 1,366 respondents[9]:

Parents' main concern about the information provided on preliminary notices and SAOs in the guidance was that these processes were seen as overreach of local authority legal powers (as discussed in earlier sections). Many felt the measures gave local authorities excessive power or encouraged them to overstep their legal remit, enabling them to infringe upon parental rights and responsibilities. Others felt that there was inadequate information in the guidance on the SAO process particularly around school selection, timelines, parental involvement, and the process for SAO revocation.

By contrast, local authorities were supportive of the processes for issuing preliminary notices and SAOs being strengthened within the guidance along with it providing greater clarity provided on the circumstances in which an SAO should be issued. A few welcomed the clarification on how an Education Supervision Order (ESO) could be used as an alternative or in addition to prosecution for breach of an SAO.

A few local authority representatives thought the guidance should place greater emphasis on the need for parents to engage with local authority enquiries from the outset and the benefits of cooperation and engagement with the local authority (for example around information sharing, examples of work and information needed) to avoid escalation and the use of punitive measures.

Whilst it was considered useful that the guidance stated that when a parent refused to provide any information a preliminary notice should be served, local authorities would value more clarity about the point at which a local authority could say they had reached the point of sending a preliminary notice. There were comments that Section 7.4 was unclear as it suggested local authorities should issue a preliminary notice where families did not provide evidence, but then stated: *'A local authority should not be serving a preliminary notice purely based on a parent…not providing information of work'* which was felt to be contradictory to the start of the section.

Local authorities mentioned the intensive and challenging nature of issuing and enforcing SAOs within the available resources, citing the length of the SAO process, delays and the potential risk of that on children. Local authorities would value the ability to issue SAOs in a timelier manner if needed (for example when a child had been out of school

[9] 922 from a parent/carer of a child not registered at a school or college, 121 from a parent/carer of a child registered at a school or college, 43 from a child/young person, 69 from local authorities, 124 from all remaining respondent groups and 87 from 'other'.

for half a term and the parents have not submitted educational evidence) to safeguard a child's education.

Some local authorities raised concerns about the success of the existing SAO process, with examples mentioned of courts lacking understanding about SAOs or them not progressing legally because of resource constraints within the court system.

Where there had been breaches of SAOs there were concerns that this did not always result in school enrolment and therefore the legal measures (if a prosecution has taken place) did not adequately support the return of a child back into school or to receive suitable education otherwise than at school.

Revoking the SAO: Local authorities requested more detail on how an SAO could be revoked (including the evidence needed and the timescales for this). Other comments included that where a parent provides evidence of suitable education after an SAO has been issued, there should be a period in which it is sustained before an order is revoked.

There were further points of clarity or information that local authorities thought were needed on the SAO process within the guidance, including:

- The stage during the SAO process at which the status of the child should change from EHE to CME.
- Further clarity on what would be considered reasonable attempts to obtain information from parents (for example, how many times and the expectation of length of time between each attempt).
- Further guidance on acceptable information as evidence (for example, written reports on their own are not sufficient and there should also be evidence of learning).
- Clarification on the situation in which an ESO would be considered instead of an SAO.
- The inclusion of a specified date in paragraph 7.9 of the local authority guidance regarding it not being appropriate to proceed to an SAO "*If the child is within a few weeks of ceasing to be of compulsory school age"* (for example 1st April in the academic year that the child reaches 16).
- Clearer guidance on the legal obligations, responsibilities, and accountability of schools within the SAO process (for example offer of an admission meeting with families within the 15 days of a SAO being issued) including responsibilities of Governing bodies/trustees and actions to be taken if a school declines to be named in an SAO.
- Updated flowcharts as included in the 2019 guidance.

More general comments on this section of the guidance from local authorities included:

- An additional section on EHE post-16, including reference to whilst local authorities cease to have a role in ensuring a child in suitable education, there is still a duty to track children.
- Clarity on the definition of a parent and whether this reflects the definition provided in Section 576 of the Education Act 1996[10] for the purposes of understanding who could be prosecuted.

[10] Under the Section 576 of the Education Act, any person who has care of a child – whether or not they are the parent – or who has parental responsibility, is deemed to be 'a parent'

6 Special Educational Needs and Disabilities

The consultation sought views on the changes that had been made to guidance on providing clearer guidance, advice and support to EHE families with children with Special Educational Needs and Disabilities (SEND) including clarification on processes and practices relating to Education, Health and Care (EHC) plans and the difference between EHE and other forms of Education Otherwise Than At School (EOTAS).

Table 7 details the questions asked, and the number of responses received to each question.

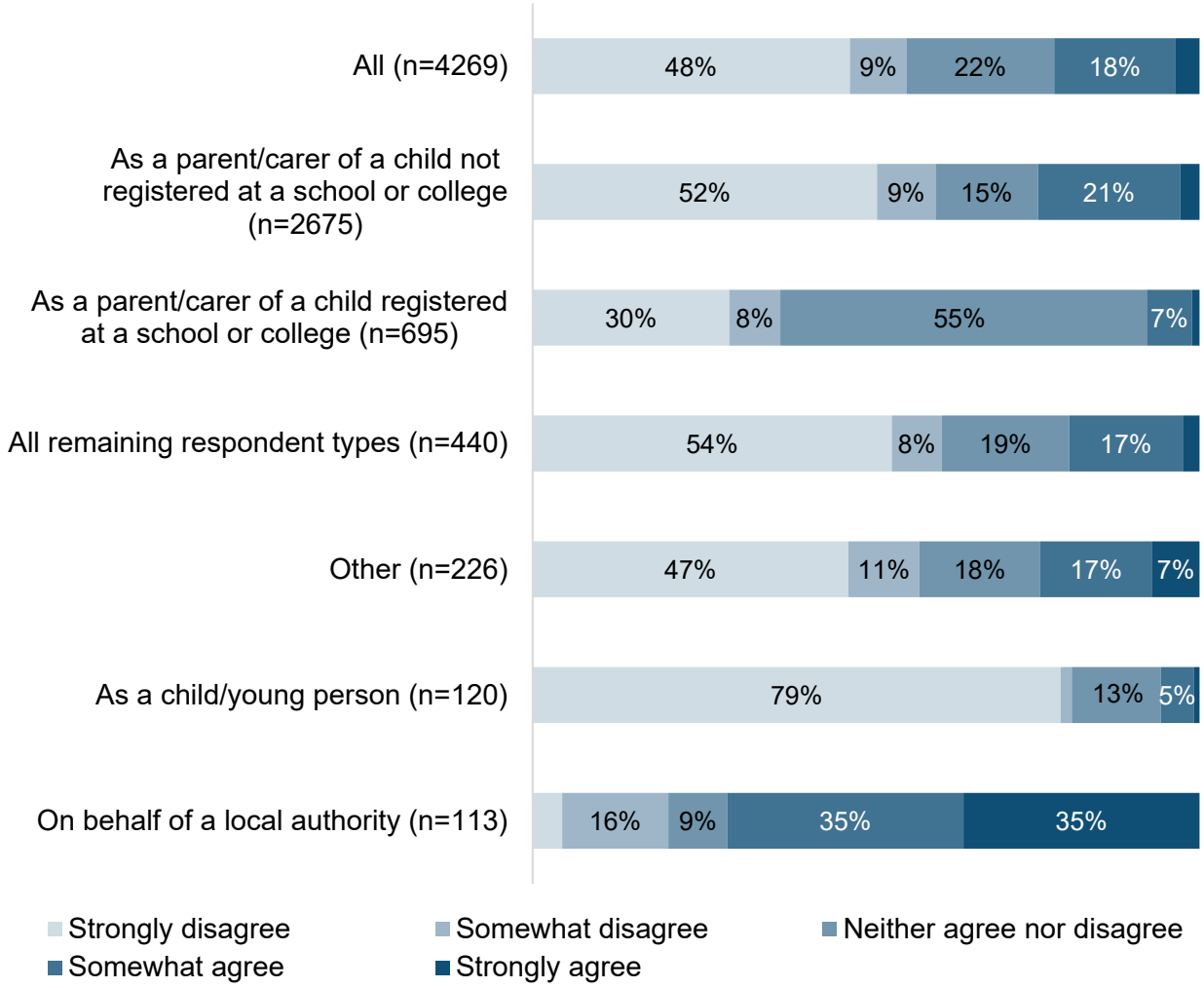
Table 7: Questions on Special Educational Needs and Disabilities

Questions	Number of responses
Is the guidance clear on the difference between EHE and EOTAS that is arranged by a local authority in accordance with an EHC plan?	4,269
Are you clear on how the law and guidance applies when an EHC plan is or will be electively home-educated?	4,269
Do you have any comments regarding SEND in relation to EHE or further information that illustrates your answers above?	1,331

Q5.1 Is the guidance clear on the difference between EHE and EOTAS that is arranged by a local authority in accordance with an EHC plan?

In total, 4,269 respondents answered this question. Over half (57%) of respondents strongly or somewhat disagreed that the guidance was clear on the difference between EHE and EOTAS and 22% agreed (Figure 13). There were again notable differences in the views of local authority respondents compared to all other respondent groups: 20% of those responding on behalf of a local authority disagreed and 70% agreed that this was clear. Among home educating parents, nearly two-thirds (61%) disagreed and almost a quarter (24%) agreed that the guidance was clear on the difference between EHE and EOTAS.

Figure 13: Levels of agreement that the guidance is clear on the difference between EHE and EOTAS that is arranged by a local authority in accordance with an EHC plan

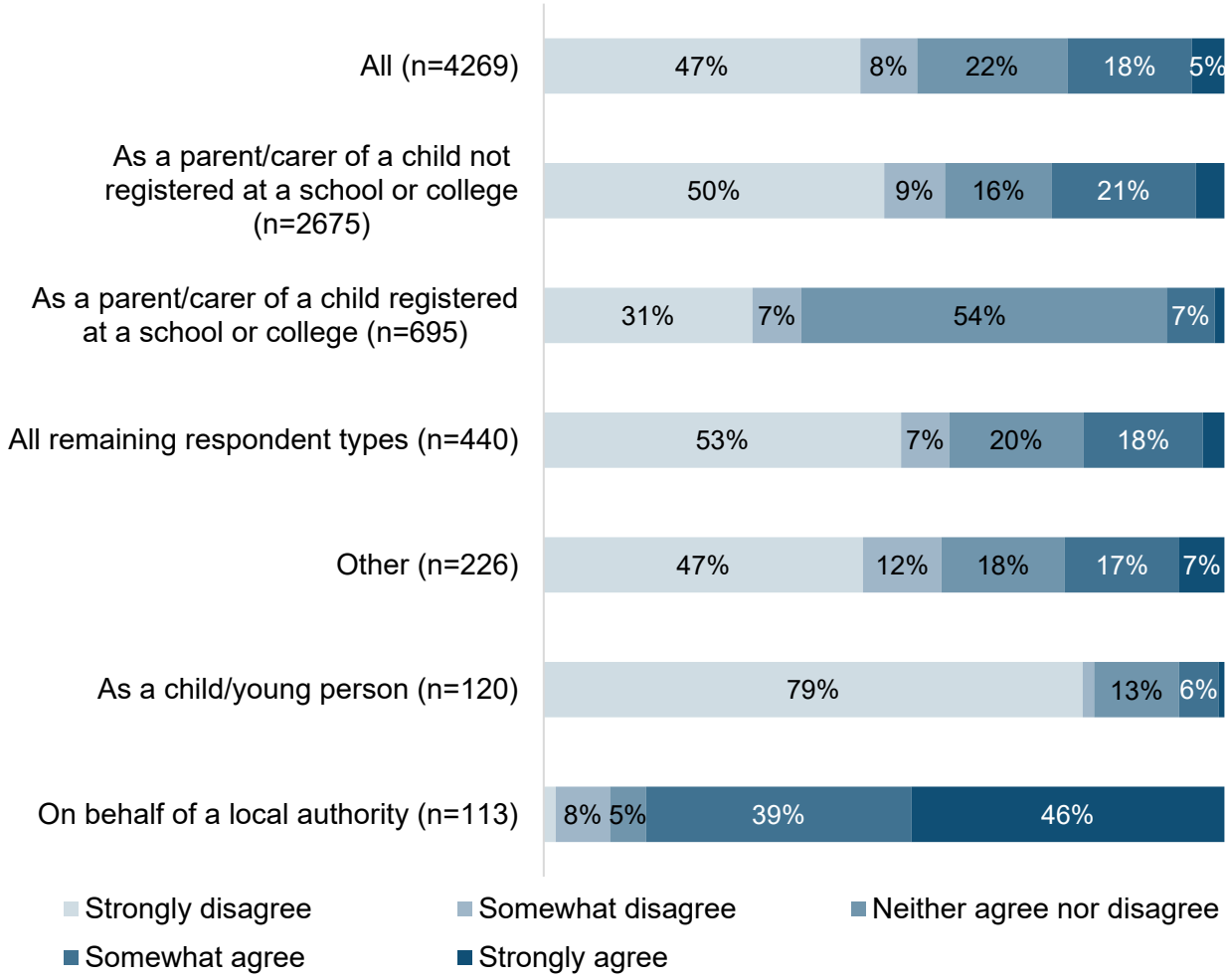


Percentages below 5% are not labelled.

Q5.2 Are you clear on how the law and guidance applies when an EHC plan is or will be electively home-educated?

Overall, 55% of the 4,269 respondents who answered this question disagreed strongly or somewhat that they were clear on how the law and guidance applies when a child with an EHC plan is or will be electively home educated, while 23% agreed strongly or somewhat (Figure 14). Once again, local authority representatives gave much higher proportions of agree responses to this (85%) and lower proportions of disagree responses (10%). By comparison, just a quarter (25%) of home educating parents agreed that they were clear on this, while 59% disagreed.

Figure 14: Levels of agreement that respondents are clear on how the law and guidance applies when a child with an EHC plan is or will be electively home-educated



Percentages below 5% are not labelled.

Q5.3 Do you have any comments regarding SEND in relation to EHE or further information that illustrates your answers above?

There were 1,331 responses received to this question[11].

Local authorities offered suggestions as to how the guidance could be strengthened or where there was further clarification needed in relation to the provision of EHE for children with SEND.

Strengthening safeguarding: Local authorities raised concerns that the EHE guidance and current legislation did not provide the same safeguards for all children with an EHC plan. They called for the level of scrutiny for children with an EHC plan in mainstream provision where EHE was being considered, to equal that of children in a special school and that a SEND multi-agency panel should be used as a mechanism for agreeing whether such a move would be in the child's best interests. Local authorities felt that expanding safeguarding provision in this area would help ensure decisions to home school were being taken in the best interests of the child and that parents were able to effectively meet their child's identified needs.

Identification and support of EHE children with an EHC plan: Local authorities highlighted the challenges in supporting home educating parents with a child with SEND and an EHC plan. Local authorities' ability to meet their statutory responsibilities to ensure EHC plans were being implemented effectively and to assure the quality of provision (including whether objectives and targets were being followed) was felt to be hindered by their limited powers to ensure EHE families engaged. Furthermore, where EHE children had never attended school there was the risk that a local authority may have no knowledge of a child's SEND.

EHE Review and EHC plan review: Local authorities had mixed views on combining EHE reviews and EHC plan reviews. Some felt keeping the processes separate allowed local authorities to more effectively assess the suitability of the education provided and having the EHE review first ensured the outcomes and needs identified could inform the EHC plan annual review. Whereas other local authorities felt joint visits from EHE and SEN teams would prevent duplication for parents and ensure consistency and clarity.

Clarity on the distinction between EHE and EOTAs: Many local authorities called for a clearer distinction between EHE and EOTAs in the guidance due to some parents deciding to home school as an interim measure. Local authorities would like the guidance to make it more explicit that the EHE and EOTA processes were distinct and governed by

[11] 910 from a parent/carer of a child not registered at a school or college, 106 from a parent/carer of a child registered at a school or college, 75 from local authorities, 33 from a child/young person, 113 from all remaining respondent groups and 93 from 'other'.

different decision-making. Providing parents with clearer information about EOTAs (including criteria for eligibility and how this was different from EHE) in a distinct sub-section would help avoid confusion with EHE. A few local authorities suggested the revision of Section 3.10 of the parent guidance (which suggests that local authorities may suggest EOTAs as an alternative to a parent decision to EHE) as this could raise unrealistic expectations for families.

Other comments included:

- Clarifying parents' responsibilities for a child with an EHC plan including their responsibilities to manage and fund their child's education, meet their child's needs and deliver the outcomes stated in the EHC plan.
- Clarifying the status of an EHC plan once a child was being home schooled including whether local authorities were able to cease EHE plans.
- Providing further information for local authorities to guide decisions on suitability of EHE for children with SEND (for example, the inclusion of a case study in this area).
- A template or further information for parents to show how the education they are providing considers the SEND needs of their child.
- Further clarification in 4.3 of the parent guidance that parents must show their child is receiving suitable education provision at home before the local authority will give consent for removal from the roll of a special school.
- Providing clarification that a child's EHC plan objectives should be reflective of their current provision, and school-based objectives should be amended.

EHE parents highlighted the lack of clarity and misleading information in the guidance, identifying inconsistencies and errors in terminology related to SEND, and EHC plans. There was a strong sentiment that the guidance did not adequately explain EOTAS, how they differ from EHE, and how they could be accessed or funded.

Many EHE parents mentioned having a lack of trust in local authorities due to their perceived past failures in supporting children with SEND. Some felt the guidance discriminated against SEND children and families and suggested they were less capable of providing a suitable education. Parents emphasised the importance of parental expertise in understanding their child's needs and that it had been the failure of the school system to meet those needs, which had families opting for EHE. Others highlighted the need for clearer guidance on accessing support and services for SEND children, as well as the importance of respecting the privacy and autonomy of SEND families.

Other issues raised by home educating parents in relation to the guidance included:

- Concerns about the intrusiveness of local authority monitoring for SEND children.
- Inappropriate mixing of EHC plan annual review and EHE assessment.
- Inappropriate labelling of children as Children Missing Education (CME) if parents deregistered a child with an EHC plan from a mainstream setting.
- Insufficient consultation with SEND families and experts in the development of the guidance.
- Exclusion within the guidance of the SEND code of practice requirement that SAOs should be a last resort if provision cannot be improved with support.

7 Support for EHE parents

This section of the consultation explores views on whether the revised guidance provides sufficient focus on the support available for home educating parents.

Table 8 details the questions asked and the number of responses received to each question.

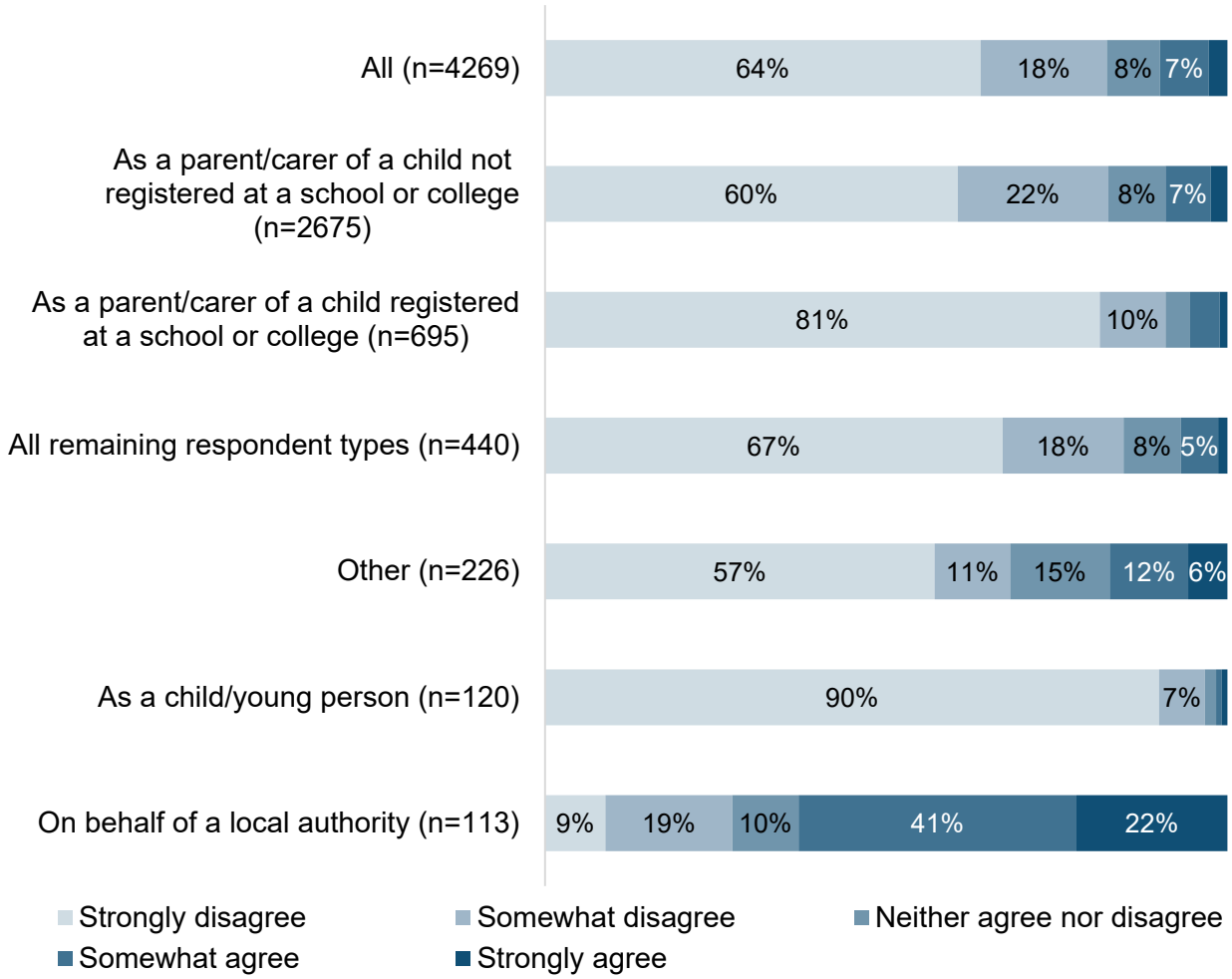
Table 8: Questions on Support for EHE parents

Questions	Number of responses
Does the guidance provide sufficient information on potential support that could be offered to home educators?	4,269
Do the recommendations for support encourage positive relations between parents and local authorities?	4,268
Do you have any comments regarding support for parents in the EHE guidance or further information that illustrates your answers above?	1,801

Q6.1 Does the guidance provide sufficient information on potential support that could be offered to home educators?

Among the 4,269 respondents who answered this question, relatively high levels of disagreement were expressed that the guidance provides sufficient information on potential support that could be offered to home educators: 82% of all respondents strongly or somewhat disagreed and just 10% agreed (Figure 15). The highest levels of disagree responses were expressed by parents/carers of a child registered at a school or college, and among children/young people (91% and 97% respectively disagreed strongly or somewhat). Among home educating parents, 82% disagreed and 9% agreed that the guidance provides sufficient information on the potential support that could be offered to home educators. Local authority representatives gave the highest proportion of agree responses (63%) and correspondingly, the lowest proportion of disagree responses (28%).

Figure 15: Levels of agreement that the guidance provides sufficient information on potential support that could be offered to home educators

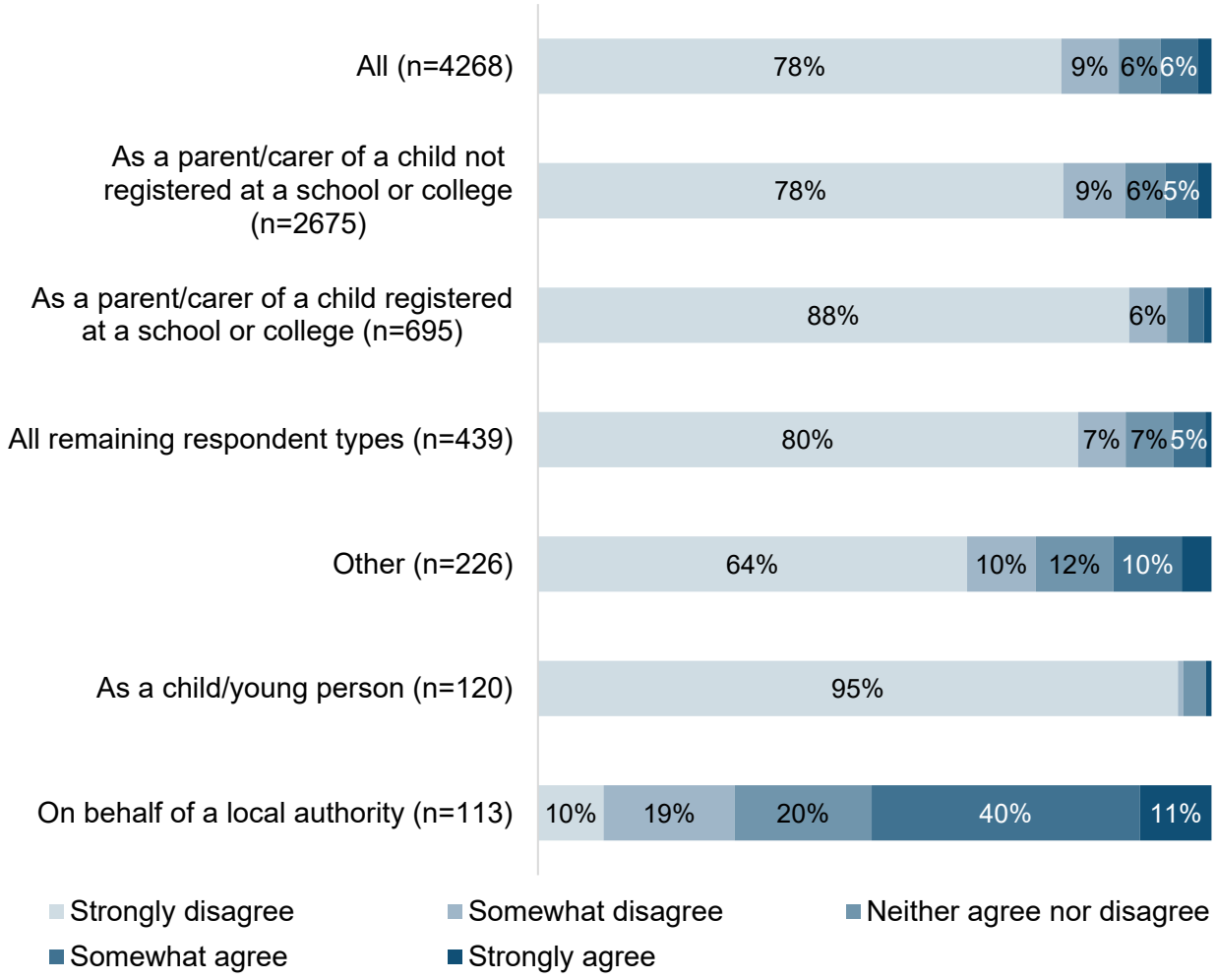


Percentages below 5% are not labelled.

Q6.2 Do the recommendations for support encourage positive relations between parents and local authorities?

There were 4,268 responses to this question. Figure 16 shows that 87% of respondents strongly or somewhat disagreed that the recommendations for support encourage positive relations between parents and local authorities, while just 8% agreed strongly or somewhat. Among local authority representatives, 29% disagreed and 51% agreed, while among home educating parents, 87% disagreed and 7% agreed.

Figure 16: Levels of agreement that the recommendations for support encourage positive relations between parents and local authorities



Percentages below 5% are not labelled.

Q6.3 Do you have any comments regarding support for parents in the EHE guidance or further information that illustrates your answers above?

This question was answered by 1,801 respondents[12]:

Local authorities were reluctant for the parent guidance to have more detail on support that could be provided to home educating parents; with many mentioning the lack of available funding to provide support and not wanting to convey that parents could look to the local authority for support with learning resources etc. However, several local authorities felt it would be useful to have a greater level of consistency across the authorities and more clarity in the guidance around what information and support they should look to provide.

A few local authorities wanted a greater level of encouragement of parents to contact their authorities for support and to improve their relationship.

Most parents were unenthused about potential support from local authorities, considering any form of 'support' to be a mask for checking and monitoring of provision. However, several parents requested greater support and financial aid for parents with children with SEND, for educational resources, and for free examinations (to mirror the free access to examinations in state-educated children).

[12] 1,238 from a parent/carer of a child not registered at a school or college, 138 from a parent/carer of a child registered at a school or college, 53 from a child/young person, 90 from local authorities, 169 from all remaining respondent groups and 113 from 'other'.

8 Case studies

The revised EHE guidance for local authorities included case studies on EHE with the intention of clarifying the type of amount of information parents could provide to local authorities to determine the suitability of education, guidance on what would be considered a proportionate level of engagement between parents and local authorities, differing approaches to EHE provision and approaches to navigating of the informal process of establishing whether a child is receiving suitable education.

Table 9 details the questions asked, and the number of responses received to each question.

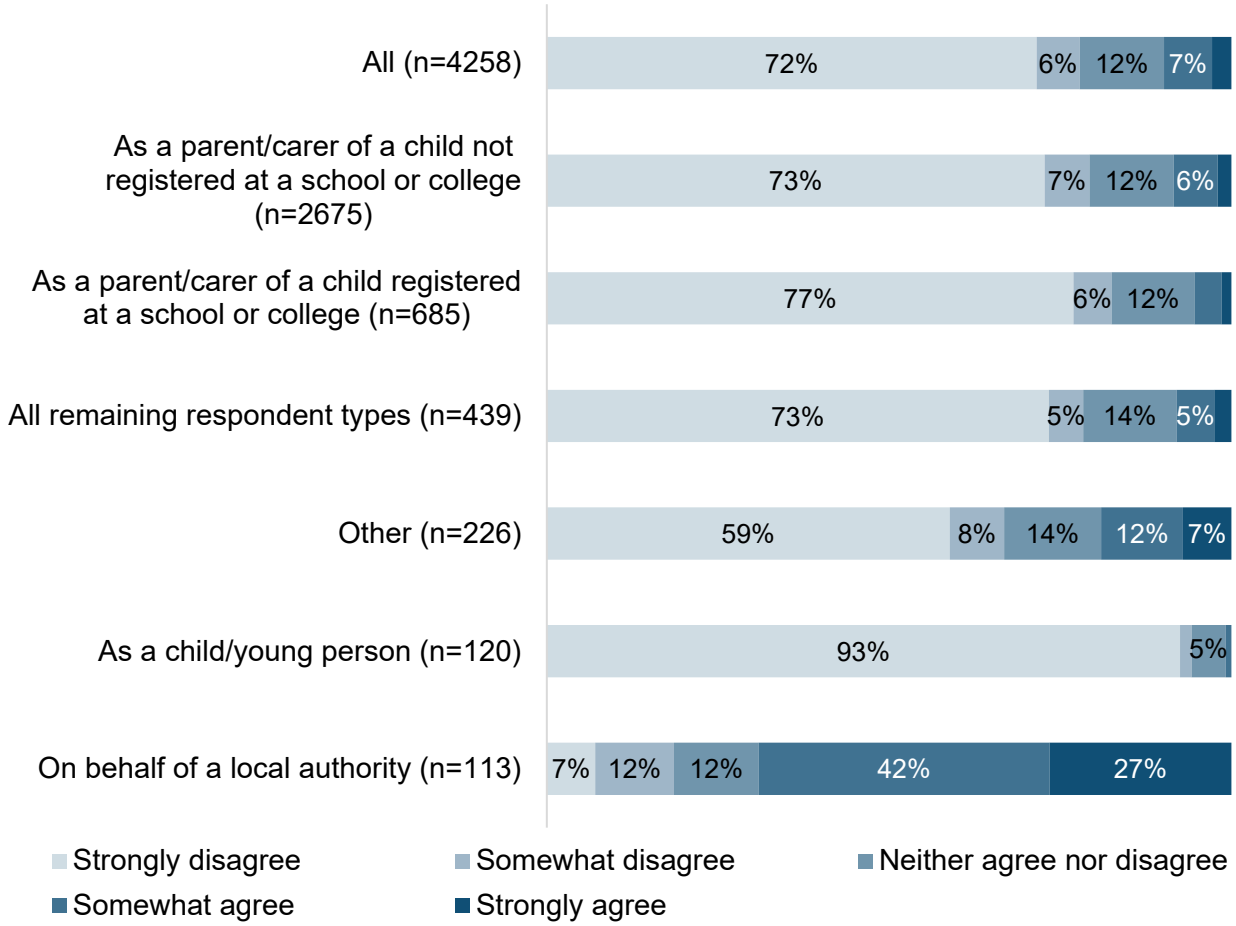
Table 9: Questions on case studies

Questions	Number of responses
Have you found the inclusion of case studies in the EHE guidance for local authorities helpful?	4,258
Are there other issues you would like to see us address through case studies or further information that illustrates your answer above?	1,502

Q7.1 Have you found the inclusion of case studies in the EHE guidance for local authorities helpful?

In total, 4,258 respondents answered this question. There was limited support for the inclusion of case studies across respondents. Just over three-quarters of respondents (78%) disagreed that the inclusion of case studies in the EHE guidance for local authorities was helpful, and just 10% agreed (Figure 17). Among local authority respondents, levels of agreement were notably higher than among other respondent groups with 69% agreeing strongly or somewhat and 19% disagreeing. Parents or carers (whether home educating or not) and children and young people broadly did not find the inclusion of case studies in the local authority guidance helpful.

Figure 17: Levels of agreement that the inclusion of case studies in the EHE guidance for local authorities helpful



Percentages below 5% are not labelled.

Q7.2 Are there other issues you would like to see us address through case studies or further information that illustrates your answer above?

This question was answered by 1,502 respondents[13]:

Many parents were critical of the inclusion and focus of the case studies within the guidance. Although a few acknowledged the value of case studies in illustrating different home education approaches and best practices; the development of a wider range of case studies in consultation with home educators was reported to be beneficial.

[13] 1,080 from a parent/carer of a child not registered at a school or college, 81 from a parent/carer of a child registered at a school or college, 46 from a child/young person, 81 from local authorities, 123 from all remaining respondent groups and 91 from 'other'.

Disproportionate involvement of local authorities: Many parents expressed concerns the case studies implied local authorities should have an intrusive and challenging attitude towards home education and the current case studies illustrated a disproportionate involvement of local authorities. Parents had concerns about the volume of monitoring and information within the case studies and the assumption that local authorities should have access to the home environment and the child. There were concerns the case studies normalised forced or coerced access to home-educated children, with too much focus on home visits being part of the normal process (as opposed to a report being appropriate) which infringed on privacy rights and could potentially be harmful to children with SEND or anxiety.

Lacking representation: Other parents felt the case studies were not diverse enough and mainly illustrated school-at-home approaches to EHE, with limited representation of less structured, autonomous pedagogical approaches that might be adopted (for example unschooling).

Local authorities and other organisations broadly welcomed the inclusion of case studies within the local authority guidance. There were calls for the inclusion of case studies in the parents' guidance to help provide greater clarity (for example on how a local authority may assess a suitable education and how they might try and address any issues). Most local authorities would welcome the inclusion of a varied range of case studies to reflect the complexity of the situations they face, whilst illustrating positive working relationships between local authorities and parents.

Local authorities thought there was too much focus on EHE families who had engaged to some extent (for example, parents who had agreed to meet with the local authority to demonstrate learning), rather than balanced examples of efficient and non-efficient home education. There were mixed views on whether case studies should illustrate both positive and negative outcomes because of how home educating parents might receive these.

Local authorities would value case studies focusing on:

- Examples of common issues such as mental health and undiagnosed SEND as reasons for EHE.
- Examples of support offered or sought at each stage to reflect the staged approach to a successful outcome.
- How the suitability of EHE is assessed (including examples with reports and visits) and where a local authority has supported parents to achieve a suitable education.
- Where a family has been reluctant to provide information, and the information provided has not been sufficient to determine suitability.

- Where there is a safeguarding concern and the education provided is believed to be unsuitable.
- Examples where visits are declined, and a child is not seen.
- Children who are on a Child Protection or Children in Need plan.
- Where SAOs and ESOs have been used effectively.
- A focus on SEND children, including case examples illustrating the difference between EOTAs and EHE (and what effective and compliant EOTAS could look like for children with an EHC plan) and where a child with an EHC plan in a mainstream school has been removed to EHE.
- Case studies focused on written reports.
- Examples of an SAO being used or how local authorities need to integrate CME processes with EHE.
- Older children (e.g. those in key stage 3 and key stage 4).

9 Safeguarding

The updated EHE guidance documents aim to provide further guidance on work experience and employment, and what local authorities and parents need to consider when other settings (e.g. unregistered schools, and out-of-school settings) are used as part of home educating arrangements.

Table 10 details the questions asked, and the number of responses received to each question.

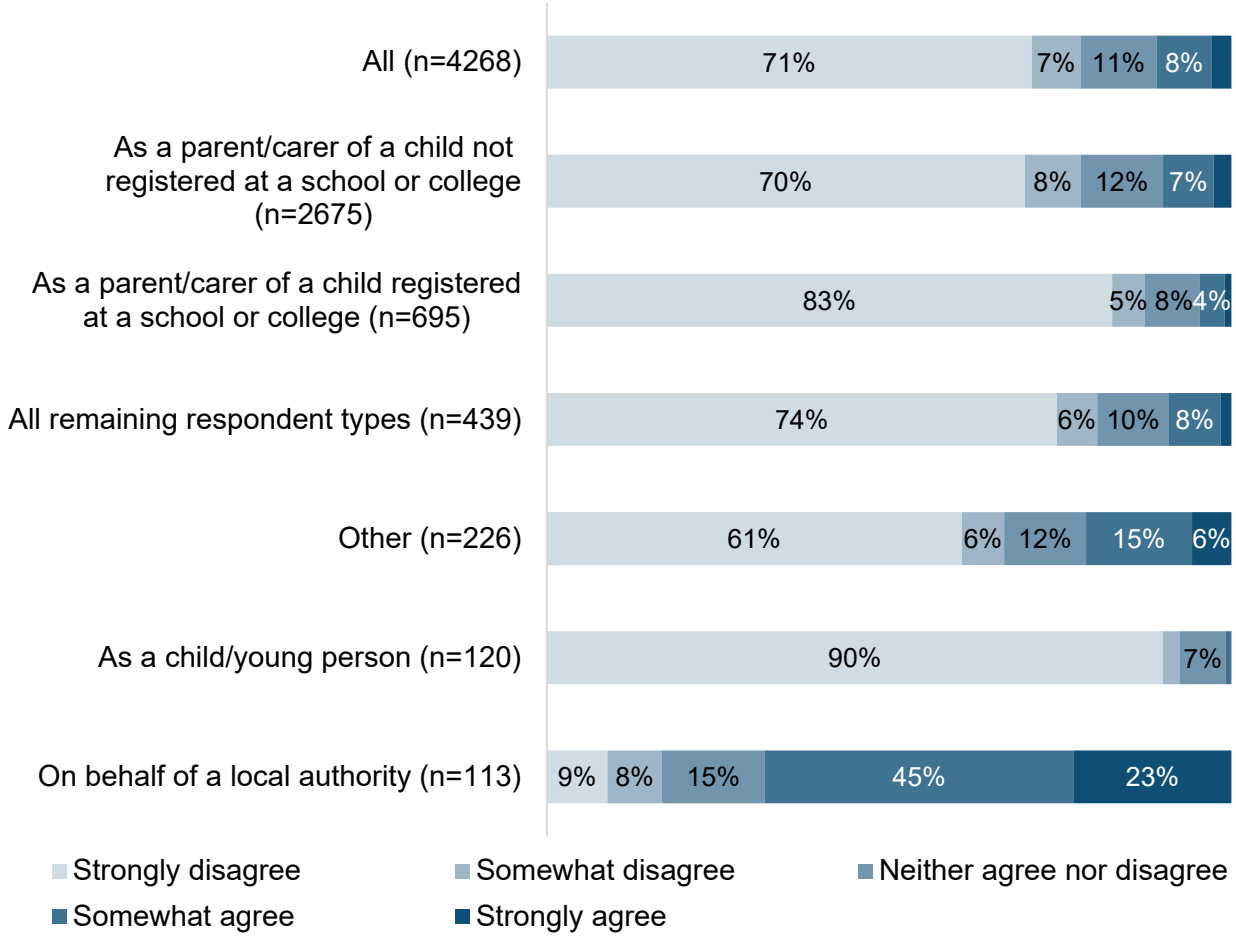
Table 10: Questions on Safeguarding

Questions	Number of responses
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?	4,268
Does the guidance clearly set out the rules and expectations in regard to EHE children and work experience and child employment?	4,262
Do you have any further comments related to safeguarding in the EHE guidance or further information that illustrates your answers above?	1,407

Q8.1 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?

There were 4,268 responses to this question. Over three-quarters (78%) of respondents disagreed that the changes made to the guidance gave an improved understanding of out-of-school settings, informal groups of home educators, and unregistered independent schools, while just 11% agreed (Figure 18). Once again, local authority representatives were notably more likely to agree with this: 68% agreed strongly or somewhat and 17% disagreed strongly or somewhat. This contrasts with home educating parents, among whom 10% agreed and 78% disagreed.

Figure 18: Levels of agreement that 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

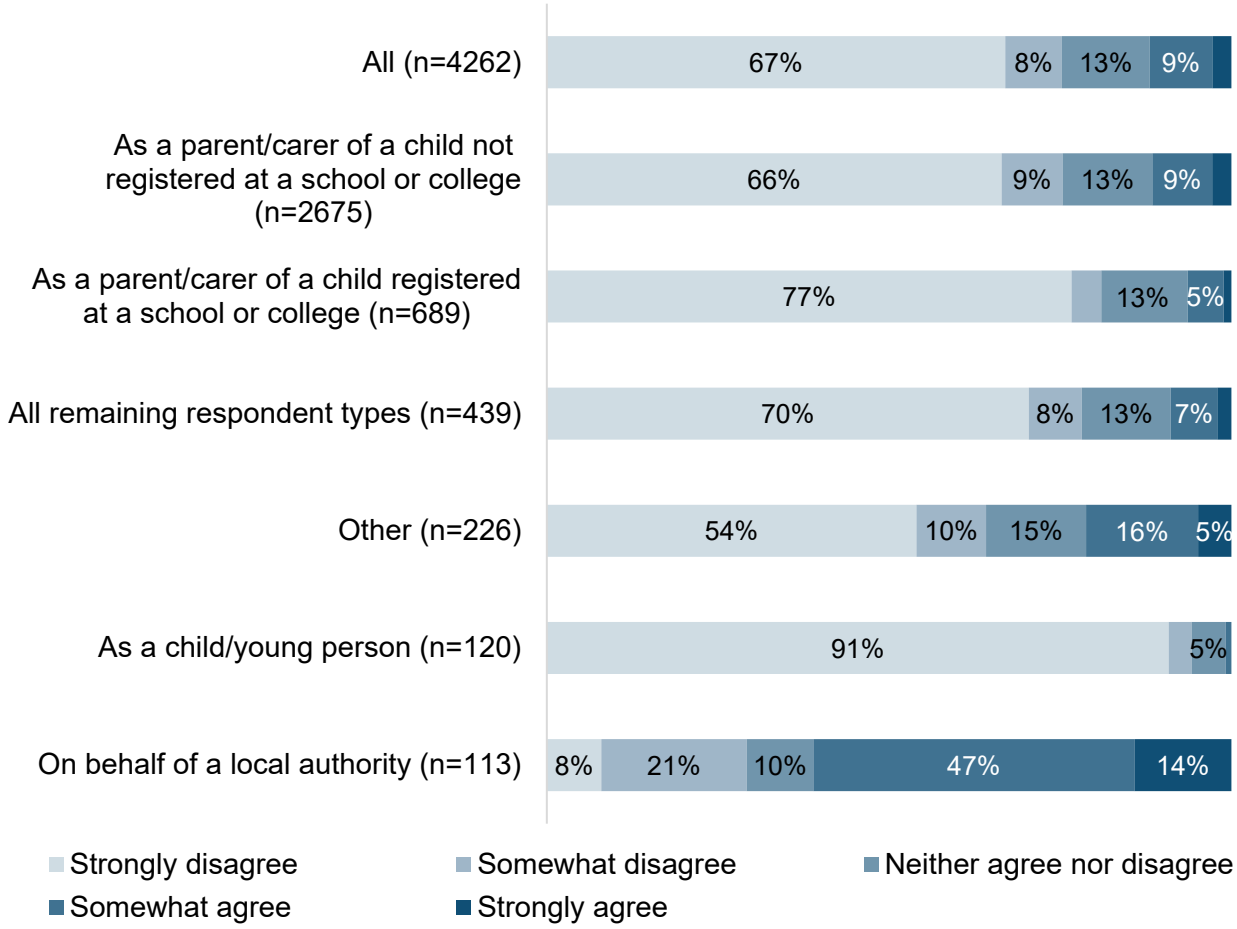


Percentages below 5% are not labelled.

Q8.2 Does the guidance clearly set out the rules and expectations in regard to EHE children and work experience and child employment?

In total, 4,262 respondents answered this question. Figure 19 shows that three-quarters (75%) of respondents disagreed that the guidance clearly sets out the rules and expectations regarding EHE children and work experience and child employment, while one in eight (12%) agreed. Local authority representatives recorded 29% disagree and 61% agree responses and contrastingly, home educating parents gave 75% disagree and 12% agree responses.

Figure 19: Levels of agreement that the guidance clearly sets out the rules and expectations in regard to EHE children and work experience and child employment



Percentages below 5% are not labelled.

Q8.3 Do you have any further comments related to safeguarding in the EHE guidance or further information that illustrates your answers above?

This question was answered by 1,407 respondents[14]:

For most respondents the revisions to the guidance offered limited clarity around safeguarding or strengthened the safeguarding of EHE children. Local authorities expressed disappointment that there were no plans to review legislation or provide more powers to support the delivery of safeguarding duties in respect of EHE children.

[14] 957 from a parent/carer of a child not registered at a school or college, 113 from a parent/carer of a child registered at a school or college, 38 from a child/young person, 82 from local authorities, 128 from all remaining respondent groups and 89 from 'other'.

Local authorities expressed concerns about their ability to have professional oversight and undertake checks for potentially vulnerable EHE children. The lack of legislative right for local authorities to be able to see and communicate with EHE children (as parents have the right for their child not to be seen and there is no formal process to gather the child's independent voice about their home education experience) resulted in difficulties in being able to reasonably assess the suitability of education. Local authorities called for more scope within the guidance to be able to consider and represent the voice of the EHE children.

Local authorities, some charities/organisations and schools would welcome more safeguarding measures including a compulsory register of home educating children, a monitoring requirement for EHE children to be seen at least annually, and powers for local authorities to gain immediate access if there were safeguarding concerns. It was felt this would help local authorities to support EHE children more effectively to ensure they were safe and receiving a suitable education.

Local authorities and others would value further clarity or information on:

- The suitability of EHE for a child that is subject to a Child Protection or a Child in Need plan and whether parents should be directed instead to keep the child on school roll.
- Clearer roles and responsibilities for professionals (where there is multi-agency involvement) so it is clear who has overall oversight of an EHE child if a safeguarding issue has been raised.
- The expectation that where there is social care involvement with an EHE family, the suitability of EHE should be considered from a safeguarding perspective in all such cases and where the child would be at greater risk due to their EHE status, social care colleagues should have to take steps, via the case reviews/planning, to resolve such concerns.
- Where concerns are raised about an EHE child but do not meet the threshold for social care involvement there should be an expectation that the local authority would want to see the child.
- Clearer information on flexi schooling and how it differs to EHE including the role of schools.

Clarifying the distinction between work experience and employment: Whilst some local authorities welcomed the inclusion of further guidance on work experience and employment (for example around the checks that parents need to conduct), others would welcome a clearer distinction between work experience and employment within the guidance to avoid confusion.

Local authorities called for the guidance to address and highlight the differences and limitations between work experience and employment to help local authorities and

parents articulate more clearly what they are trying to achieve. As home educating parents do not have to tell their local authority that their child is undertaking work experience or employment, it is unlikely that the local authority will know about the safeguarding of children in these incidences.

Suggestions for improving clarity and detail included:

- Further clarification that work experience should not be considered as a substitute for education and that children are not able to work as part of their school week under the premise of it being called work experience.
- Providing more clarity on what suitable work experience may look like for an EHE child (for example, at what age, length of time, whether the experience needs to contribute to the development of literacy and numeracy) and how this would be arranged. There were mentions of the Education Act 1996 stating that work experience should take place in the last two years of compulsory education but that this was not specified in the guidance.
- Strengthening the information on child employment requirements including the use of work permits being needed for children aged 13-16, and how the legislation for child employment relates or can be applied to EHE children because of the reference to school hours.
- More focus on the health and safety aspects of work experience and the types of risk assessment (including insurance and DBS checks) that should be considered (particularly when parents are arranging themselves) to avoid the risk of illegal child employment.
- The inclusion of case studies on child employment within Traveller families and what is considered suitable, and examples of suitable out-of-school setting options and combinations can look like for parents, as well as unsuitable options.
- A diagram for the permitted hours of child employment.

Most parents raised concerns about the strong focus on safeguarding within the guidance which was felt to drive a narrative of suspicion around EHE families which families felt was worrying. The most common concerns raised reflected many of themes seen in response to other questions including:

The conflation of safeguarding and educational suitability: Many home educating parents thought the guidance mixed safeguarding concerns with assessments of educational suitability. They had concerns this would lead to local authorities using safeguarding powers prematurely when education was considered unsuitable, even without other risk factors.

Overreach and intrusion: Concern was expressed by home-educating parents that the guidance promoted excessive local authority intervention and intrusion into family life.

Parents felt that there needed to be a better balance between support and respect for privacy, with local authority powers limited to genuine safeguarding concerns.

Respect for parental rights and responsibilities: A prevalent theme from home educating parents was the importance of acknowledging and respecting the primary role, rights and responsibilities of parents in their children's education. Many felt the guidance lacked this and started from a position of undue suspicion rather than trust in home educating families.

Lack of clarity and consistency: Home educating parents highlighted vague terminology and inconsistencies between the local authority and parent versions of the guidance, which were seen as confusing and unhelpful.

Children and young people who responded to this question provided very similar responses to those of home educating parents with many mentions of home-education not being a safeguarding risk.

Annex A: List of local authorities and organisations that responded to the consultation

Local authority responding on behalf of	n	%
Barnsley	1	1%
Bath and North East Somerset	1	1%
Bexley	1	1%
Birmingham	2	2%
Bolton	1	1%
Bournemouth, Christchurch and Poole	1	1%
Bracknell Forest	1	1%
Bradford	1	1%
Brent	1	1%
Brighton and Hove	1	1%
Buckinghamshire	2	2%
Calderdale	1	1%
Cambridgeshire	2	2%
Central Bedfordshire	1	1%
Cheshire East	1	1%
Cheshire West and Chester	2	2%
City of London	1	1%
County Durham	1	1%
Derby	2	2%
Devon	1	1%
Dorset	2	2%
East Riding of Yorkshire	1	1%
East Sussex	1	1%
Essex	1	1%
Gateshead	1	1%
Gloucestershire	1	1%
Hackney	2	2%
Halton	1	1%
Hampshire	3	3%

Local authority responding on behalf of	n	%
Haringey	1	1%
Hertfordshire	2	2%
Hillingdon	1	1%
Hounslow	2	2%
Isle of Wight	1	1%
Islington	1	1%
Kent	2	2%
Kingston upon Hull, City of	1	1%
Kingston upon Thames	1	1%
Kirklees	1	1%
Lancashire	1	1%
Leeds	1	1%
Leicestershire	1	1%
Lincolnshire	1	1%
Merton	1	1%
Newcastle upon Tyne	1	1%
Norfolk	2	2%
North East Lincolnshire	1	1%
North Yorkshire	1	1%
Northumberland	1	1%
Nottingham	1	1%
Oldham	1	1%
Oxfordshire	1	1%
Plymouth	1	1%
Portsmouth	1	1%
Prefer not to disclose	1	1%
Redbridge	1	1%
Redcar and Cleveland	2	2%
Rochdale	1	1%
Rotherham	1	1%
Rutland	1	1%

Local authority responding on behalf of	n	%
Salford	1	1%
Sefton	1	1%
Sheffield	1	1%
Slough	1	1%
Solihull	2	2%
South Gloucestershire	1	1%
South Tyneside	1	1%
Southampton	1	1%
Southend-on-Sea	1	1%
Southwark	1	1%
Staffordshire	3	3%
Stockport	1	1%
Stockton-on-Tees	1	1%
Stoke-on-Trent	1	1%
Suffolk	2	2%
Sunderland	1	1%
Surrey	1	1%
Sutton	1	1%
Thurrock	5	4%
Torbay	2	2%
Walsall	1	1%
Warrington	1	1%
West Berkshire	1	1%
West Sussex	2	2%
Wigan	1	1%
Wiltshire	1	1%
Windsor and Maidenhead	1	1%
Wirral	1	1%
Worcestershire	1	1%
All	**113**	**100%**

Department for Education

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