

Jeremy Miles AS/MS

**Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language**



**Llywodraeth Cymru
Welsh Government**

Jayne Bryant MS
Chair
Children, Young People and Education Committee

13 September 2023

Dear Jayne

Thank you for your letter of 12 July in relation to the Elective Home Education statutory guidance, and the correspondence you have received from home educators.

For many families, the decision to home educate would have been a positive choice. However, we know this may not have been the case for everyone. This is one of the reasons why the new statutory guidance, published in May, is so important to ensure that all learners have a suitable and efficient education.

In developing the proposals for EHE, the Welsh Government used a wide range of approaches to fully engage and consult with key stakeholders including home educating families. This included online public consultations and in-person regional consultation events. All consultation responses on the statutory guidance were considered in full, including those responses that referenced human rights and data protection legislation. Further information on the consultation is available on the Welsh Government [website](#).

Feedback from consultation meetings, and the events held with home educators and home education representative groups, went on to inform several subsequent amendments to the statutory guidance and home educator's handbook.

My officials have engaged EHE representative groups and I myself met with Education Otherwise. More recently, following further discussions with one of the EHE representative groups, I have agreed minor amendments to our guidance since publication. I have also already committed to evaluating the guidance, to ensure that

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

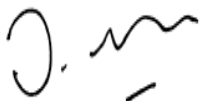
its impact can be assessed, and to determine how local authorities are using it. The evaluation will be undertaken independently and will commence in May 2024.

To ensure that home educating families were aware of why the changes to the guidance are important, and to provide clarity on the issues referenced within correspondence, the Children's Commissioner for Wales hosted further engagement sessions between Welsh Government officials and home educators on 26th and 28th June. The sessions were an opportunity for home educators to discuss their concerns with the Welsh Government, and for officials to provide reassurance in relation to various aspects within both the guidance and handbook. Feedback from my officials indicated that the sessions were constructive and allowed for all attendees to have their say, in a supportive and neutral setting.

Following the sessions, the Children's Commissioner's office collated all queries raised during the sessions. These queries were grouped into themes, and my officials have drafted a paper detailing the responses, which will be shared with home educators via the Children's Commissioner. The paper, which is attached at Annex. 1, includes responses to the concerns raised in the correspondence received by the Committee. However, you may wish to note that many of the submissions have also been sent to the Welsh Government, and therefore the correspondents have received separate responses from my officials.

Children's rights are at the forefront of the EHE proposals and I am committed to ensuring that all children receive an education that enables them to achieve the best possible outcome for their future. Now that the guidance has been published, my officials will work with local authorities to embed the guidance and continue dialogue with the EHE community, to ensure that the views of families, including home-educated children are heard.

Yours sincerely,



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**Children's Commissioner for Wales Elective Home Education (EHE) Forums
26th & 28th June 2023**

Background

The Children's Commissioner for Wales facilitated two sessions between the Welsh Government and EHE families, to clarify any queries families may have in relation to the new statutory guidance and parental handbook on EHE, which were published on 12th May and 9th June respectively.

An invitation was sent by the Welsh Government on behalf of the Children's Commissioner for Wales to local authorities for them to share with their EHE networks and those stakeholders who had previously expressed an interest in this area. Within that invitation, families were asked to email CCfW to register their interest and were then issued with joining instructions. Although 50 spaces per event were initially allocated, the number that expressed an interest exceeded this and joining instructions were sent to all those who had expressed an interest in attending.

Time restraints did not all allow for questions asked by attendees to be answered during the sessions and therefore responses to the queries posted in the 'chat bar', and subsequent queries e-mailed independently to the Welsh Government following the sessions, have been captured below.

Where questions included statements based on personal experiences or opinion, the Welsh Government has not commented, except to answer the question and to correct misinterpretations of the law or policy.

General		
1.	Could you just sum up what is new in what we've just seen?	<p>The purpose of the guidance is to support local authorities in effectively discharging their existing duties in relation to home educated children and assisting them in providing support to home educated families. Specific changes include:</p> <ul style="list-style-type: none"> • a more detailed description of what constitutes a 'suitable and efficient education' includes suggested characteristics so that LAs can more easily determine if a child is in receipt of a suitable education • detailed section for LAs on assessing suitability of education • emphasis on seeing the child • clarity on the duties under the new ALN Act and Code. • more detail on support for home educated children than the previous version • a specific section on examination access • detail on School Attendance Orders • more comprehensive section on safeguarding • recent case law Goodred v Portsmouth City Council
Theme 2: Meetings with a local authority and relationships with them		
2.	What happens if parents refuse a meeting with either their child or themselves?	Section 4.21 of the statutory EHE guidance acknowledges that a parent or Gillick competent child can refuse a meeting with the local authority.
3.	The guidance is not clear on that. It either is mandatory or it isn't and there shouldn't be any negative effect if parents and home educated children decide that a face-to-face meeting is not in the child's interest.	Whilst parents are free to refuse a meeting with the local authority, it is questionable whether the local authority can reasonably assess suitability of education without seeing and communicating with the child. This decision is a matter for the individual local authority.

4.	<p>Could this be clarified in the guidance - the word 'should' meet in the guidance suggests that a meeting is ordinarily required? This would disregard the wishes of a child who just doesn't want to meet a stranger.</p>	<p>Section 4.21 of the EHE guidance acknowledges that "parents and Gillick competent children are not, however, obliged to meet with the local authority and are free to decline a meeting if they so wish".</p> <p>Additionally, section 4.22 of the guidance states that "there may be occasions where it is not in the best interest of the child for the local authority to meet with them".</p> <p>Section 4.27 of the EHE Guidance outlines that a meeting may not be the only method for the local authority to be satisfied that the education is suitable. A local authority, if it thought appropriate to do so, could send a pre-meeting questionnaire that home educating families and their children complete together. This will form part of a more holistic approach to assessing the suitability of education. The local authority can use the response to the questionnaire to inform their discussion with home educating parents and children.</p> <p>Section 2.26 of the EHE handbook also outlines that there may be other ways by which a parent could demonstrate that the child is receiving a suitable and efficient education and provides examples for parents.</p>
5.	<p>How is the decision made about whether it is/is not appropriate to see the child? Especially in relation to things like hidden disabilities, neuro divergence and mental health for example. I am wondering about who is qualified within the LA to make this judgment?</p>	<p>This will be down to individual local authority officers.</p> <p>Section 4.22 of the statutory EHE Guidance outlines that there may be occasions where it is not in the best interest of the child for the local authority to meet with them, or in some circumstances, the local authority can conclude without seeing and communicating with the child that they are receiving a suitable education. Where such a conclusion is reached an appropriate date for the decision to be reviewed should be set, taking into account the individual circumstances of the child.</p> <p>where learners have identified ALN which could include neurological, mental health diagnosis, good practice would be for EHE officers to discuss with colleagues who work within and alongside statutory teams to</p>

		<p>determine alternative ways in which evidence could be provided</p> <p>Where learners do not have an identified need and parents feel it is not appropriate to see the child, EHE officers will need to seek views from statutory teams who have experience in dealing with learners with additional needs, as to whether a meeting is in the best interests of the child.</p>
6.	<p>The law states that the parent is responsible for the education of the child not the local authority. Home education is also allowed by law. As these laws have not been changed on what basis does the local authority to insist on meetings to assess the suitability of the education I provide to my child.</p>	<p>Parents have a responsibility to ensure their children receive a suitable and efficient education either at school or otherwise. However, determining the suitability of education is the legal responsibility of the local authority. They must:</p> <ul style="list-style-type: none"> a) make arrangements to identify children not in receipt of a suitable education, and b) take action if it appears that the child is not in receipt of a suitable education. This is detailed under section 436A of the Education Act 1996. <p>Section 437 of the Education Act states that if it appears that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, local authorities shall serve a notice requiring the parent to satisfy them that the child is receiving such education.</p> <p>An authority's duty under section 436A of the Education Act 1996 (and that under section 437) forms sufficient basis for informal enquiries to the parent/carer to determine what education the child is receiving and whether the local authority believes this is suitable and efficient.</p>
7.	<p>Do you understand why the community have so many questions and concerns about the content of guidance? It is essentially asking one person, one individual LA representative to make a judgment of</p>	<p>The statutory EHE guidance does not change a local authority's existing duties. The guidance supports them to carry out their functions and clarifies these within the context of EHE.</p>

	<p>how well a parent is raising their child without ANY evidence of a need to do that. Do you know how stressful and upsetting it is for families to have to experience one person, one stranger we know little about, judge how well a parent is raising their own child because of a choice the family have wanted or needed to make in declining the option of state educational provision?</p>	<p>The local authority's role and statutory duty is to determine what education is being provided and whether this is suitable and efficient. There is no assessment or judgement on how the child is raised or a parent's life choices.</p> <p>A parent has the right to choose to home educate their child, however, home education is not an automatic right of parents; it is dependent on provision of a suitable and efficient education.</p> <p>Section 7 of the Education Act 1996 sets out the duty placed on parents to secure a full time, suitable and efficient education for children of compulsory school age, either by sending the child to school or through other means - one of these means is for a parent to decide to home educate. Balanced against this decision, is the expectation that local authorities can assess the suitability of the education parents provide. In order for a local authority to carry out that function, it is not unreasonable for local authorities to ask parents about their approach and the education being delivered.</p> <p>If the education being provided is deemed to be neither suitable or efficient then local authorities will have their own processes in place to escalate cases where more formal action may be necessary.</p>
8.	<p>I have already been threatened with an SAO by my local authority for simply refusing to write a report despite providing them with a report the previous year. And successfully home educating for 25 years with my older children now attending university. They did not believe I was not providing a suitable education. They were purely using it as a threat. How will this kind of behaviour be avoided.</p> <p>Similar question raised via separate correspondence: What happens when parents refuse to give "samples"</p>	<p>This is clarified under Question 5. Local authorities must be satisfied that a suitable education is being provided. A local authority's duty under the Education Act 1996 (section 437) forms sufficient basis for informal enquiries to the parent/carer to determine what education the child is receiving and whether the local authority believes this is suitable and efficient. The guidance clarifies that the local authority should attempt to obtain the necessary information and engage with the family before issuing an SAO. If the parent/carer refuses to provide any information and the local authority is unable to assess the education provision, it may have to issue an SAO.</p>

	of “work” because they or their child do not consent for legal, moral, philosophical or educational reasons?	<p>Section 5.3 of the statutory EHE Guidance states “in the absence of information that suggests a child is being suitably educated and that the parents’ refusal to answer is for some unrelated reason, the only conclusion that the local authority can reasonably come to is that the home education does not appear to be suitable”.</p> <p>The guidance acknowledges that the approach home educating parents take is likely to be dictated by their own philosophy or views, and in many cases, the absence of formal assessment may be a feature of the education provision. This will be fully considered by local authorities but they must still be able to undertake their statutory duties. The statutory EHE Guidance states 4.33 that: “Legal precedent has established that local authorities can make informal enquiries of parents for details of the educational provision for their child”.</p>
9.	From the response to the statutory guidance so far, do you believe the guidance will build bridges between local Authorities and home educators?	<p>The purpose of the guidance is to clarify existing requirements in law and to help ensure that there is consistency of approach across all local authorities and to ensure that children are supported to access the universal services and benefits normally available to children and young people in mainstream education.</p> <p>As the guidance is implemented, we acknowledge the need for ongoing engagement with stakeholders to ensure that any remaining concerns are addressed.</p>
10.	Do you feel that forcing meetings effectively will boost positive relationships?	As outlined in the response to Question 2, parents are free to refuse a meeting with the local authority, however, it is questionable whether the local authority can reasonably assess suitability of education without seeing and communicating with the child. This is a matter for the individual local authority. (See section 4.21 of the Statutory EHE Guidance).
11.	Given that the handbook says that tutors should not meet with children alone, what measures are there to	Local authorities will have their own systems and processes for meeting with families and learners which would safeguard both the local authority

	protect LA officials carrying out meetings, especially where meetings may be held because parents feel as sense of pressure or of negative consequences if they don't, or when children with ALNs, through no fault of their own, may be triggered into meltdowns and fight-or-flight violent outbursts by their presence, questions or by the stress of the implications of failing to "please" them?	<p>officer, parent and learner.</p> <p>Arrangements for meetings with learners with ALN has been clarified under response 5.</p>
12.	Can they meet children without interviewing them? Watch them in a lesson, for example?	<p>Section 2.26 of the Welsh Government's handbook for home educators outlines the different ways evidence could be provided by parents. Families should discuss provision of evidence with their local authority.</p>
13.	Why is an SAO the response to educational concerns with home education when schools receive help and support to improve - surely the equivalent would be a home education support service?	<p>The local authority is expected to make all reasonable efforts to provide help and/or support to the family. The guidance clarifies that the local authority should attempt to obtain the necessary information and engage with the family before issuing an SAO.</p> <p>In this instance, this is an offer of support and the parents are under no obligation to accept it.</p>
Theme 3: Recourse against local authority decision making		
14.	Local authorities are a law unto themselves. They quite frequently make up their own agenda and do not adhere to rules and best practices. They lie and mis-direct, mis- inform. What protection do parents have in regard to this?	<p>Driving consistency of practice across all local authorities is a key aim of the new statutory guidance.</p> <p>The Wider Package of Support clarifies the existing statutory responsibilities on local authorities, namely: -</p> <ul style="list-style-type: none"> • the local authority must decide whether or not the child has ALN if it is brought to its attention that the child may have ALN • securing provision of counselling services for EHE learners in line with the offer available in schools • providing access to youth support

		<ul style="list-style-type: none"> • providing access to advice from Careers Wales <p>As outlined in the response to question 13, the local authority is expected to make all reasonable efforts to provide help and/or support the family. This may include providing parents with information about preventative services and, where appropriate, gaining parental consent for a referral to those preventative services available locally.</p> <p>If parents have any concerns, they are encouraged to discuss these with the local authority and if they remain dissatisfied parents can follow the local authority's complaints process.</p> <p>Parents are also able to refer their concerns to the office of the Children's Commissioner for Wales. Contact Us - Children's Commissioner for Wales (childcomwales.org.uk)</p>
15.	What happens when the parent and the LA disagree? there is no appeals process or scrutiny apart from going through the courts	As a matter of good practice, local authorities are advised to regularly review all of their procedures and practices, including those in relation to home education. Home education organisations and home educating parents and children should be involved in the review process. Effective reviews, together with the sensitive handling of any complaints, will help to build and secure more effective partnership.

Theme 4: Qualification / experience / training of local authority officers

16.	What qualifications will LA decision makers have? What disabilities and mental health training will LA	It is up to local authorities to appoint officers with the necessary skills and experiences to undertake the role, and to provide ongoing training and
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	<p>EHE officers be given? What philosophies will LA EHE officials be educated in?</p>	<p>professional development.</p> <p>However, local authority officers did receive a package of training prior to the implementation of the new statutory guidance to include awareness of the different philosophies, learning styles and approaches to home education. Training materials are attached, as referenced in the answer to questions 17/18.</p>
<p>17.</p>	<p>Can the EHE officer training materials be shared with the home educating community?</p>	<p>The topics covered and relevant PowerPoints are included as an attachment with this document.</p>
<p>18.</p>	<p>Please would the department make the full range of resources and content used in training LA employees for EHE fully visible to the public so that we can evaluate how useful or appropriate these were? This would seem especially important in building trust and communication as it would seem that no home educators were involved in the development of this training.</p>	<p>The Welsh Government held two seminars on 28 February and 21 March 2023.</p> <p>The purpose of these seminars was to notify Welsh local authorities of the forthcoming publication of the Elective Home Education guidance and to facilitate discussion of the guidance, the responsibilities of local authorities and to raise awareness of best practice throughout Wales in working with home educators.</p> <p>Attendance at the seminars was voluntary, all Welsh local authorities participated with some contributing materials and leading elements of the discussion.</p> <p>The meetings were held as the draft guidance was being finalised for publication. The focus on these sessions was on local authority responsibilities as outlined and there was not an opportunity to discuss the drafting.</p> <p>With particular reference to the Gypsy, Roma and Traveller PowerPoint, an official for the Welsh Government gave a presentation on academic studies of the Gypsy, Roma and Traveller communities and home education. The purpose of the presentation was to highlight: -</p>

		<ul style="list-style-type: none"> • that the decision to home educate was not always due to a nomadic lifestyle • the variation in practice across the responding Local Authorities in England, • the need for LA EHE officers to liaise with their local traveller service • that the recommendations of this report were far more extensive than forthcoming Elective Home Education guidance <p>This presentation then set the scene for an LA Officer from the Gypsy, Roma and Traveller community with experience of home education to share their experiences and provide advice for colleagues when assessing the suitability of home education and interacting with these communities.</p>
18.	<p>What lived experience regarding home education do <i>Welsh Government staff</i> have, that allows them to train others?</p>	<p>Civil servants are impartial, and proposals or policies are not personal views. Experience of Welsh Government staff is in policy development and advising ministers across a range of areas, informed by those with a key interest or specific experience.</p> <p>The WG official who ran the training provided to local authority staff is an experienced local authority officer on secondment with experience of supporting home educating families and has an awareness of the factors which can contribute to a parental decision to home educate.</p> <p>Existing local authority officers working in this field supported the training by delivering relevant presentations which included general application of the statutory guidance to meet local authorities' statutory duties, across some specific areas (e.g., philosophical approaches suitable and efficient education (as per guidance), Gypsy Roma Traveller policy, and ALN).</p>
19.	<p>Is it left to the discretion of a particular officer, whether they think evidence is suitable? LAs seem to differ</p>	<p>The key purpose of the statutory guidance is to promote consistency across Wales and sections 4.1 to 4.18 of the guidance provide clear guidelines to</p>

	widely between supportive and empathetic people to a culture of hostility and suspicion in other LAs.	local authority officers.
Theme 5: Local authority / Welsh Government responsibilities / roles and evaluation of guidance		
20.	How will consistency be assured across LAs, we already see overstep in many areas.	Driving greater consistency across LAs was a key driver for bringing in statutory guidance. However, it will be for local authorities to implement the legislation and ensure that they adhere to the guidance. The Welsh Government will continue to chair the EHE National Steering Group to facilitate discussion with local authority officers in relation to policy implementation
21.	<p>Before we end today, can you clarify that: you understand the duty of the LA is only to identify children who are missing education, and that it is a parents responsibility to decide on education suitability. LA role is to support, not to judge assess and monitor? And that State educated children are not CME if their education is not suitable?</p> <p>Similar question received by email outside of the engagement sessions: In the recent meetings hosted by the Children’s Commissioner for Wales, it was claimed by the Welsh Government that it is the role of Local Authorities to decide whether a child’s education is suitable, not the parents. Please would you provide the legal basis for such a claim if this is believed to be the case, as education is the responsibility of parents, not the authorities.</p>	<p>Determining the suitability of education is the legal responsibility of the local authority and not the parent. The legal basis for this is provided in more detail under questions 5 and 6.</p> <p>Until the local authority is assured the home educated child is receiving a suitable education then the child is potentially within scope of the section 436A duty and Welsh Government statutory guidance on children missing education will apply (Statutory guidance to help prevent children and young people from missing education GOV.WALES).</p>
22.	What measures will you be putting in place to ensure that what you are saying here today is what is carried out by local authorities to prevent the situations being	An independent evaluation of the statutory EHE guidance will begin in May 2024. The evaluation will review what impact the guidance has had on supporting local authorities to undertake their statutory duties. Local

	talked about here?	<p>authorities and the Welsh Government have a steering group for EHE, where impact of policies can be discussed and any issues addressed on a regular basis.</p> <p>The Welsh Government will continue to chair the EHE National Steering Group to facilitate discussion with local authority officers in relation to policy implementation.</p>
23.	Will you make sure that all LAs will be informed that meetings are NOT mandatory and that declining a meeting can't be used to issue a SAO?	<p>Section 4.21 of the statutory EHE guidance acknowledges that a parent or Gillick competent child can refuse a meeting with the local authority. Whilst parents are free to refuse a meeting with the local authority, it is questionable whether the local authority can reasonably assess suitability of education without seeing and communicating with the child. This decision is a matter for the individual local authority.</p>
24.	Evaluating when though? I do not recall if it was one year or two during which many families feel persecuted. Those who replicate school at home are probably less concerned, but those who do not are even too frightened in many cases to attend those meeting.	
Theme 6: Partnership working		
25.	<p>How are LA's working specifically with Health and other organisations who specialise in supporting families who face a range of challenges as a result of both diagnosed and undiagnosed "conditions" So by this I mean the number of families who are parenting neuro divergent children or those with mental health needs, who would experience high anxiety at the very nature of a meeting for example. How are LA's equipping themselves to have this understanding? This is a challenge for schools and why a number of families choose to remove their children. How will LAs equip themselves with such specialist understanding?</p>	<p>A parent or guardian who chooses to home educate opts out of state education provision. However, this does not mean that they opt out of state health services. Home educated children are still entitled to health services normally offered through schools.</p> <p>Counselling for learners who are home educated is available in line with the provision for children attending school. This has been agreed and is included within our Wider Package of Support.</p> <p>Where learners have identified needs, it is expected that home education officers work closely with other departments in the local authority, such as the education welfare service (EWS), additional learning needs (ALN) to</p>

<p>I have been a manager within the Local Authority of Family Support and Educational Welfare Provision and I now work privately as a therapist working with a number of families impacted by systems which due to their inflexibility cause extreme anxiety which is harmful to both children and parents/carers.</p>	<p>support home educated children and there is an expectation on the local authority to make all reasonable efforts to provide help/support to the family. This can often include working with other LA services and signposting families to appropriate agencies.</p>
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Theme 7: Evidence of suitable education	
<p>26. What kind of evidence would an LA like to see?</p>	<p>Examples of evidence are referenced within the Handbook within sections 2.25 and 2.26. They are as follows:</p> <ul style="list-style-type: none"> • information sent by email as an attachment • the child showing some of their work or talking about their learning • original work • photocopies of written work • photographs • artwork • scrapbooks • musical and sporting achievements (certificates) • a diary of events • CD recordings • using digital media • websites contributed to or created by the child's family • a written report
<p>27. Can you outline what you would like a "typical school year" to look like in terms of the relationship/communication between a family and the LA/EHE officers?</p>	<p>The guidance is clear that a meeting should take place between the family and the local authority at least once a year to ensure the suitability of education is maintained and that the child is considered to be making suitable progress.</p>

		<p>However, the frequency of meetings with home educating families should be proportionate and based on the individual circumstances of each child.</p> <p>If the local authority has concerns about the suitability of education, it will need to consider whether to see the family on a more frequent basis to assure itself that the child is receiving a suitable education.</p> <p>The local authority may need to liaise with other relevant partners of the local authority dependent upon the circumstances of the child when deciding on the frequency of meetings with the family.</p> <p>Aside from this, we would expect that local authorities to communicate frequently with families to share information, signpost them to services and respond to any queries families may have.</p>
28.	<p>How can LAs evaluate such diverse and varied “evidence”? It seems an impossible task without criteria being imposed, which we don’t want, but then it comes down to individual bias.</p>	<p>It is for local authorities to determine, from the information parents submit, whether a suitable and efficient information is being provided and the statutory guidance supports them to do that. The EHE handbook provides examples on how to evidence satisfactory education provision, to help support greater consistency across local authorities. Please see question 26 for more detail.</p>
29.	<p>Who decides on the level of numeracy, literacy, language.</p>	<p>As outlined in section 3.9 of the EHE handbook, a suitable education should provide children with experience in linguistic, mathematical, scientific, technological, human and social, physical and aesthetic and creative education; along with experience in speaking and listening, literacy, numeracy and digital skills.</p> <p>Regardless of the approach taken to deliver a suitable education, it is important for local authorities to consider whether the approach is suited to the needs of the individual child which means efficient education suitable to the child's age, ability and aptitude and to any SEN/ALN the child may have. This is not however defined in terms of number of hours or set</p>

		standard other than to specify that the provision must correspond with the child's general ability (including any SEN/ALN they have) and enable the child to acquire: listening and speaking skills, reading skills which include vocabulary and comprehension; and writing skills which include grammar, punctuation and spelling. Local authority officers are responsible for assessing the suitability of this provision in conjunction with the other elements of the child's education.
Theme 8: Support for home educating families / funding for LAs		
30.	Regarding support what support is available and where do I go to get this, my son is home educated as a result of a very long and stressful battle with school/ cahms/education officer and was advised to home school due to a phobia of school.	Where it has been identified that a family are home educating, support and advice where appropriate, can be made available by the local authority should the family want it. Families should discuss any support requests in the first instance with their local authority EHE officer.
31.	Can support effectively be offered via the same people who are also judging provision? Compare with the separation of school improvement advisors and Estyn judgements for schools.	EHE officers are likely to be the individuals with the closest relationship with the family and as such would be better placed to consider the education being provided holistically and over time.
32.	How many of the offers of things like CADW and counselling were available anyway before the guidance? If so, why does the guidance portray these as if positive new ways of "support"?	Whilst many aspects of the Wider Package of Support were already available, these were not consistently available to all learners. Referencing these in the statutory guidance will promote greater consistency of the offer available to learners and their families.
33.	The provision of a package of support is mostly resources that are already available to us. We can already access Careers Wales, already have access to libraries yet we have difficulty accessing exam centres. Why are you listing access to resources that we already have access to	
34.	Will there be better funding for local LEA teams, ours is overstretched and under resourced, leading to them	It is up to local authorities to ensure that sufficient resource is in place to enable them to discharge their statutory duties.

	not being able to provide the support that perhaps they might be required to provide HE families.	However, to support the effective implementation of the Elective home Education Guidance, Welsh Government has provided local authorities with additional funding over a 3-year period to support local authorities to discharge their duties in relation to home education.
35.	Welsh Government have taken up safeguarding related recommendations when issuing this guidance but have ignored other financial recommendations included in the same reports. Jeremy Miles often suggests that home educators receive a package of support that equates to 1.7 million pounds. This is misleading as he has confirmed in an answer to a written question, that 1.1 million is for Local Authorities to discharge their duties and the remaining 600 thousand is divided between home educating families across the whole of Wales. This equates to approximately £120 per family, Approximately £3 per week when based on an academic year of 38 weeks, far less than the cost of school meals for 1 child for 1 week. Why haven't Welsh Government taken up the recommendation of equal financial support for home educated children and state educated children?	<p>Parents who choose to home-educate their children must be prepared to assume full financial responsibility for their children's education. However local authorities are encouraged to provide support where resources permit.</p> <p>The funding provided by Welsh Government to local authorities to support home educating families is unique within the UK.</p>
Theme 9: Evidence around home education		
36.	Home Education has been legal in the UK for 50 years. Why hasn't there ever been a commissioned study into home education?	The Welsh Government will consider this point. The Minister noted his intention to evaluate statutory guidance and a commissioned evaluation starts in summer term of 2024 which will allow time for this guidance to be implemented by local authorities.
37.		

	What is the evidence to support the proposals ie why make it legislation and not advisory	The development of statutory guidance is in direct response to concerns previously raised by the Children’s Commissioner for Wales (CCfW) and the National Independent Safeguarding Board (NISB), both of whom called on the Welsh Government to enhance their guidance on Elective Home Education (EHE)
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Theme 10: ALN

38.	Where does a parent stand if they do not wish the local authority to label their child with an ALN? Is an ALN non negotiable ?	<p>The same duties apply to LAs in relation to children with ALN regardless of how they receive their education. Section 2.13 of the EHE statutory guidance says that where it is brought to its attention or otherwise appears to a local authority that a home education child (other than a looked after child) for whom it is responsible, may have ALN, the local authority must decide whether or not the child has ALN and, if it decides that the child has ALN, prepare and maintain an IDP (individual development plan) and secure the ALP (additional learning provision) described in that plan.”</p> <p>Children, their parents and young people can challenge decisions made by a school, PRU, local authority or college about ALN if they disagree with them. This includes decisions about whether a child or young person has ALN. Further information about challenging decisions about ALN made by local authorities can be found in A guide for parents about rights under the additional learning needs (ALN) system [HTML] GOV.WALES.</p>
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Theme 11: Examinations

39	Will the exam support offer be publicly advertised on LA websites?	This is a matter for individual LAs. We would suggest that home educating families contact their local EHE officer for advice. Section 6.14 of our Statutory EHE Guidance outlines that “It will be the responsibility of the home educator to contact the local authority and enquire about the precise way in which they handle private candidates.”
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40	Exam provision in our area of Wales is non-existent. WJEC board is not accessible to home educators. Also home educators can't take WJEC exams because of coursework element. This is also likely to get worse with the WJEC exam reforms under consideration, with all but Maths proposed to have significant NEA elements. Access arrangements for non-school based candidates are another big area that needs to be supported for exams access to be equitable.	<p>Welsh Government has worked with local authorities to enable home educating families to access WJEC examinations at an identified examination centre.</p> <p>All local authorities have agreed to accept independent candidates from home educated families at an identified examination centre.</p> <p>Further education colleges should also be encouraged to open up their facilities to home educated children for examinations.</p>
41.	The legislation states that equal opportunities and practical support will be provided for home educators. Yet since the Welsh government has become more involved, the provision of exam centres has become much much worse. Why is this?	<p>Local authorities should, where possible, direct home educating families to schools and centres that will let external students sit exams. Home education officers are encouraged to work with identified examination centres providers in their local authority to accommodate home educated children where possible.</p>
42.	It would really help if exam centre access weren't limited to one exam board. For example, we might be doing iGCSEs because of coursework requirements, or using English exam boards because we're getting online tutoring. I appreciate that LAs are overstretched, but I think the benefit to parents and children would be huge, compared to the cost to LAs.	<p>It will be the responsibility of the home educator to contact the local authority and enquire about the precise way in which they handle private candidates.</p>
43.	The schools choose surely not the LA? Independent schools have become reluctant to accept HE young people for exams as the demand is high and they cannot cover SEN requirements.	
44.	Are the exam costs going to be covered, or is it just the provision of a local centre?	<p>This a matter for local authorities.</p>

45.	Can we discuss issues around examinations with you further as there are issues that need to be clarified that can't be answered today?	<p>If there are any further queries in relation to the statutory EHE Guidance and examinations that have not be clarified by responses to the questions in this section then individuals can contact the Welsh Government at: ElectiveHomeEducation@gov.wales.</p> <p>Local authorities are best placed to answer questions in relation to access to examination centres. Please contact your Elective Home Education Officer for more information.</p>
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Theme 12: Further input and engagement		
46.	Going forward how will WG continue the dialogue with the community?	<p>The Welsh Government is committed to engaging with all stakeholders as we implement the statutory guidance. We are actively considering how best to facilitate further engagement and dialogue with all stakeholders, including the home educating community.</p>
47.	The community responded to home ed consultations and have repeatedly tried to engage with Welsh Government. Will anything discussed during these meetings make a difference to how the education department work with the community going forward?	
48.	Can the community have input into the handbook, there are many inaccuracies, out of date information, etc. it would be worth having a handbook that is relevant	<p>The Welsh Government would welcome constructive feedback on the handbook to ensure we can build on this resource and make it as helpful and relevant as possible for all members of the home educating community. Ways in which we can facilitate this are being considered, as part of wider and ongoing engagement.</p> <p>If there are specific aspects of the handbook that are perceived to be inaccurate then this feedback can be shared with the team at ElectiveHomeEducation@gov.wales, so that we can rectify as soon as possible.</p>

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Theme 13: Voice of home educators		
49.	Is there home educator representation on the LA steering groups? Could this be considered on a regular basis?	<p>There is currently no home education representation on the Welsh Government EHE national steering group as the purpose of this group is to ensure greater consistency in implementation of statutory guidance.</p> <p>The Welsh Government will continue to chair the EHE National Steering Group to facilitate discussion with local authority officers in relation to policy implementation</p> <p>As outlined in response to question 46, we are considering how best to facilitate ongoing input and engagement from the home educating community.</p>
50.	Do you consider this new guidance to have been fully Co-produced with Home Educators? Have home educators been involved in every step?	A full consultation on the statutory guidance was held during 2019, which included face to face engagement opportunities. The Welsh Government considered the responses and views of all stakeholders before finalising the guidance, however all views were balanced against the primary policy aim of the statutory guidance to support local authorities to ensure all children are receiving a suitable and efficient education.

Theme 14: Voice of children and young people		
51.	What about young people having their voices heard by the people making decisions?	The 2019 consultation included a Young Person's version of the Guidance and Handbook. The Welsh Government also facilitated face to face engagement sessions, which provided an opportunity for children and young people to share their views.

<p>52.</p>	<p>How often are children in school asked 'Would you prefer to be home educated?' They are never asked. Home education is not school. schools are inspected as Government commissioned services which are answerable to their funders (Government) and answerable to their service users (parents).</p> <p>The following similar questions were asked in correspondence:</p> <p>Does the LA listen to every single school child's concerns? Or course not; so why this insistence on the LA interviewing our children? This question has been asked many times by several home educating families and we don't get a good enough response, if it all.</p> <p>Could I ask the minister of Education if he plans to do this in all the schools in Wales too? Will he be asking all children in Wales about their Education including those that attend school?</p>	<p>There are significant opportunities for all children in maintained schools to have their voice heard; this is heavily embedded within the schools' system. This includes School Councils, which are underpinned by regulations. In addition, the Children and Families (Wales) Measure 2010 requires local authorities to promote and facilitate participation by children and young people in decisions that might affect them, including in school. Learner voice is also embedded in the new Curriculum for Wales and the Welsh Government's National Mission. As part of their statutory inspection processes Estyn will also gathers pupils' views through a questionnaire before inspecting schools and may talk to pupils, review work and observe lessons.</p> <p>Seeing and communicating with home educated children will provide a mechanism to ensure the voices of home educated children are heard. Clarification on seeing the child is provided in responses to questions 2, 3 and 5.</p>
<p>53.</p>	<p>With regards to school councils being used to prove children's views are heard, this is not gaining every single child's view on their education provision. So can we have a council of home educated children rather than each child so that we are inline with schools?</p>	<p>As outlined in response to question 46 we are considering how best to facilitate ongoing input and engagement from the home educating community. This will include consideration on how to capture the views of home educated children.</p>
<p>54.</p>	<p>I know of children who are unhappy in school and would like to be home educated, will you be offering mediation to those families to help them into Home Education.</p>	<p>Whilst parents are free to choose to home educate their children, it is important that the parental decision to home educate is a positive choice and not as a result of perceived failings within the school system, or negative experiences with a particular school. We would always encourage families to work with their</p>

		school and local authority to resolve any issues, to ensure that appropriate support can be put in place support for children.
Theme 15: UNCRC		
55.	Why are articles 5, 14, 16 and 18 of the UNCRC not included in the guidance? These articles refer to states parties respecting parents, respecting privacy and Article 18 states parents have the primary responsibility for the upbringing and development of the child. How does the guidance adhere to these articles?	<p>Children’s rights are enshrined in Welsh law under the ‘Rights of Children and Young Persons (Wales)</p> <p>Whilst the Welsh Government gives due regard to all requirements, there are four overarching principles within the UNCRC, including Article 12 (respect for the views of children).</p> <p>The Measure places a duty on the Welsh Government to give appropriate weight to all articles of the UNCRC, balancing them against all other relevant factors.</p>
56.	The human rights of the child have been quoted in the welsh legislation. Will the right of my child to not attend a meeting and not comply with a SAO be respected?	Clarification on seeing the child can be found in responses to questions 2,3 and 5.
Theme 16: Impact assessments		
57.	Why has there not been a regulatory impact assessment, a data protection impact assessment or an up to date children’s rights impact assessment published before guidance was released? These assessments were promised to the community by Kirsty Williams during a written statement.	<p>An integrated impact assessment , which includes a children’s rights impact assessment was undertaken on the statutory guidance, and can be found here. The Written Statement issued under the previous government refers to the processes and assessments that would be undertaken ahead of the database regulations being implemented. As the database will require data regulations, a regulatory impact assessment and data protection impact assessment are being developed alongside that policy work. The statement referred to in the question is included at the following link:</p> <ol style="list-style-type: none"> 1. Written Statement: Children Act 2004 Education Database (Wales) Regulations 2020 and the Education (Information about Children in

