
Ymateb i Ymgynghoriad / Consultation Response

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Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

Response

Introduction

We welcome Welsh Government's work to take forward statutory guidance to support local authorities in their role to ensure children who are electively home educated receive a suitable education and any additional support they may need. The numbers of children being electively home educated has increased since the start of the pandemic, increasing the urgency of this work. We have provided ongoing advice to Welsh Government through consultation responses and working groups and this response summarises that advice.

Our response notes why we feel that a local authority should see and communicate with a child as part of the process to satisfy itself that the child is receiving a suitable education. This is to support the child's rights, to corroborate other information about the education provision and to provide an opportunity to consider whether the child has additional learning needs that require statutory assessment or support.

We note the reasons why, in exceptional circumstances, it may not be appropriate to meet a child as part of the process for assessing the suitability of education. Where a meeting does take place, we have noted that it is preferable to meet a child in person rather than online, although the latter is acceptable in exceptional circumstances.

We note that, notwithstanding important contextual considerations, a local authority officer would typically not need to spend more than half an hour with a child.

We note that an annual assessment would usually be of sufficient frequency to assess the suitability of education, which includes taking account of the views of the child. We suggest that it would be helpful if children educated at home were given a contact point should they wish to express their views about their education outside of a formal assessment.

The purpose of meeting the child is to support an assessment of the suitability of education, and not to check on their welfare. However, we think it is important to note that if a local authority officer meets a child for any purpose, then they have a statutory duty to report any concern they may have for their welfare. If any local authority officer has knowledge, concerns or suspicions that a child is suffering, has suffered or is likely to be at risk of abuse, neglect or other kinds of harm, it is their statutory responsibility to ensure that the concerns are referred to social services or the police who have statutory duties and powers to make enquiries and intervene when necessary.

Consultation questions

Welsh Government have politely requested that Her Majesty's Chief Inspector of Education and Training in Wales provides in writing, a professional rationale on the following questions related to draft statutory guidance on elective home education:

- 1) that in order for the local authority to satisfy itself of the suitability of education provision by the parents, the local authority should see and communicate with the child;**

In order for the local authority to be able to satisfy itself of the suitability of the education provision, it is essential that the law requires suitably qualified and trained officers to see and communicate with the child as part of the annual monitoring process.

- Meeting the child supports their right under Article 12 of the UNCRC to express their views and have their views taken into account when an assessment is made about the suitability of education.
- Meeting the child provides an opportunity for a local authority officer to corroborate the information provided by the parent that a suitable education is being provided.
- In order to assess the suitability of education, an officer would need to take account of any additional learning needs the child has. By meeting the child, this provides an opportunity for a local authority officer to determine whether or not the child may have additional learning needs that may require statutory assessment or support. The child has a right to have their needs met.

The draft guidance does not make any reference to the value of speaking to the child separately from the parent. Ideally, the local authority officer would meet the child separately from the parent so that the child is not unduly influenced by the parent in sharing their views (as is the case when inspectors meet learners in schools). There will be situations where the child needs their parent present, for example, because of their young age, their emotional wellbeing or their additional learning needs. Should a parent not give consent for their child to meet separately, then the local authority officer should carry out the discussion with the parent present. It may be that this will build trust for the parent to consent in future years.

2) there may be occasions, or in exceptional circumstances, where it is not in the best interest of the child for the local authority to meet with them. In this case, how might the local authority satisfy itself of the suitability of education provision by the parents?

There may be exceptional circumstances when it is not possible or in the best interests of the child to meet with a local authority officer. Such circumstances may be temporary or long term. Where the reason is temporary, it may be appropriate to meet the child online, especially if the local authority has previously satisfied itself about the suitability of education. Alternatively, the meeting may be postponed until a more convenient time. However, it should not be acceptable for a parent to continually postpone a meeting for a series of temporary reasons, and this is made clear within the draft statutory guidance.

Sometimes an exceptional reason may be long term or even permanent. For example, a child may be mentally ill or terminally ill or may have suffered a significant trauma. The local authority must be able to assure itself sensitively that a longer term or permanent reason why the child cannot be seen or communicated with is valid, and that it would not be in the best interests of the child to be seen or communicated with. Under such circumstances, the local authority would have to satisfy itself of the suitability of the education provision by considering information provided by the parent and having a discussion with the parent. It may be helpful to consider seeking any supporting evidence from other professionals who may be working with the child or family in a supportive capacity.

3) when assessing a suitable education by seeing and communicating with a child, to what extent is using technology such as Zoom an acceptable alternative to being assessed in person?

It would always be preferable to meet face-to-face with a child to support an assessment of the suitability of their education provision. This allows a local authority officer, where appropriate, to consider the learning environment, review examples of learning and consider whether the child may have additional learning needs. Furthermore, it is easier to read and respond to non-verbal cues when with a child in person. However, an online meeting, especially a video call where the child and local authority officer(s) can see and hear each other, is a worthwhile alternative if it is not possible to have a face-to-face discussion. An online meeting should only be undertaken in exceptional circumstances, such as if the child has a medical or psychological reason for being unable to speak directly to a local authority officer, or due to government rules or guidance during a pandemic.

4) were a parent to provide information as described in Annex 3 and 4 (a and b) of the statutory guidance, in advance of a meeting with the child, how long might it take for a suitably qualified person to make a judgment on the suitability of the education provision?

It is important that reasonable time is given so that the child and parent understand the value of the visit. The length of the visit depends to an extent on the context: for example, the amount of information provided in advance by the parent, the age of the child, any additional learning needs the child has, the number of children being educated in the same home, and whether it is the first assessment of suitability of education for the child.

It is important that any visit made to a child is not rushed. If a significant amount of information has been provided about the education provision, it is important that the local authority officer checks the validity of this information with the child. On the other hand, if very little information has been provided, time will be needed to find out more about the suitability of the education provision from the child. There needs to be time for the child to express their view.

Notwithstanding important contextual considerations, a local authority officer should typically not need to spend more than half an hour with a child in order to support an assessment of the suitability of their education.

In addition to time with the child, the local authority officer will typically need to spend half an hour to an hour with the parent discussing the education provision for their child, depending on the usefulness of information provided in advance by the parent, and the outcome of any previous assessments carried out by the local authority.

This means that, where the education for a child has previously been assessed as suitable, an hour in total may be enough time for the local authority officer to make a judgement on the suitability of the education provision.

How much time a local authority officer would need in advance of the assessment will vary, depending on the information provided by the parent.

It needs to be borne in mind that a visit might lead to a referral. For example, the child may benefit from an assessment of additional learning needs and the process of determining the suitability of education may require additional time and potentially another visit.

5) is an annual assessment of sufficient frequency to assess the suitability of education provision the views of the child being sought and given sufficient weight when assessing the suitability of education?

An annual assessment is sufficient where there are no prior concerns regarding the suitability of the education provision. As noted in previous responses, this assessment should usually be carried out in person and should usually include an opportunity for the child to express their views about the suitability of their education. Such a frequency is in line with, for example, the requirement for a school to provide parents with an annual written report and the requirement for an annual review of a statement of special educational needs.

Where there are concerns about the suitability of education provision, the law should allow local authority officers to visit more frequently until the concerns are addressed.

Guidance could direct local authorities to provide children educated at home with a contact point if they wish to express any views about the suitability of their education outside of a formal assessment.