

Midpoint of year feedback of experiences to local councils in Wales June 2024

At this halfway point in the year, we at Home Ed Cymru trust it will be helpful to engage with LAs in Wales to pause for reflection on the experiences of home educators so far in 2024, both to encourage and, if necessary, to help dismantle any difficulties. We look forward to your engagement and thoughts on these reflections.

We are greatly encouraged to glean that generally LAs are appreciative that *meetings* with home educated children and families are not a requirement. Unfortunately, we do still see communications that are misleading, announcing visits as if they “will” be taking place, rather than making it clear that these are purely suggestions and completely optional, and without clearly stating with other forms of communications being equally acceptable and that there would be no negative repercussions for refusing these. It would be a very positive step forward for any communications from LAs in relation to meetings or visits to not only clarify that these are optional but also to give no grounds for any perception of requirement or pressure.

We are also encouraged to see that the vast majority of LAs also appreciate that provision of what may be called “*samples of work*” is not mandatory, and that fully informed consent is required if parents and children were to choose to share these, as per the Copyright, Designs and Patents act of 1988 (<https://www.legislation.gov.uk/ukpga/1988/48/contents>).

An article that can help us all appreciate a child’s ownership of their intellectual property can be found at https://www.tes.com/magazine/archive/who-owns-childs-work-not-teacher-or-school?fbclid=IwZXh0bgNhZW0CMTAAR0sj6xJd7GGiRhyBfZ60XAdoIdQV4hv3epLxmRQkzyQxdxOqIBRRU9aunI_aem_3q5Vqnrnh_4PDHJKMPjqQw.

Whilst the vast majority of LAs appear to understand this, unfortunately we are hearing of very concerning, although thankfully very geographically limited experiences, where what sadly could be interpreted as a coercive and inappropriate approach has at times been taken to insisting on “samples of work”, as if it is a requirement in law or a necessity according to the 2023 guidance.

We trust therefore it is helpful to all to clarify that, whilst LA employees may ask for these, there is no compulsion on LA staff to “have to” request these, in law or according to guidance. There are no lawful grounds to take further action (such as proceeding to Notices to Satisfy or School Attendance Orders) or make threats of negative repercussions when parents and children choose to communicate in other ways.

The Welsh guidance of 2023 only references the concept of *requesting* to see actual “samples of work” if parents and children consent to meetings/visits (4.29 and 4.30). There is no reference to any expectation of “samples of work” in the statutory or non-statutory areas of the 2023 guidance, or in law, if parents choose to communicate in writing instead. Indeed, the Welsh Government’s handbook for EHE parents clearly lists providing a “*written report*” as one of the methods that parents may choose when responding to informal enquiries without stating or even implying that any of the other options for communication are a requirement in addition (para 2.26, <https://www.gov.wales/home-education-handbook-home-educators-html>).

Parents and children are under no legal obligation or requirement to provide samples of work. “**Should**” is a non-statutory term, it does not mean “*must*”. “*Should*” means that no other legal principles should be overstepped – including informed consent and the presumption of innocence. Any intimations of coercion or threats in relation to “samples of work” would mean that informed consent had not been obtained, but rather had been overridden, which is not lawful or ethical. Threatening or commencing legal action purely for choosing to communicate by other means would risk compromising the reputation of the department in the eyes of others, especially if such proceedings were brought to court, besides the distress and damage caused to the wellbeing of children and families subjected to such communications.

It is also encouraging to see that, generally in Wales, LAs would seem to usually appreciate that parents are able to communicate in whatever format is most convenient and appropriate for their family and are not obliged to complete **forms** sent from LAs regarding their educational provision.

We would be most happy to share feedback on why many families prefer to not utilise LA-provided forms, with such reasons including how often more information is requested than is lawfully required, and how they can sadly often reflect a school-centric philosophy and concept of education, which is not relevant to many approaches to home education, making them an ineffective way to describe provision.

In addition, you may recall how, in February of this year, Home Ed Cymru wrote to each LA in Wales to address the extremely concerning nature of the non-statutory **supplementary materials** that had been issued from the Education Directorate, materials that appear to be based on early drafts of proposals for guidance rather than what is lawfully permissible to demand or consider a requirement. Do let us know if that email was not received. We would be very happy to explore these issues and concerns with you, especially if your department has considered utilising these materials, in the interests of improved relationships and effective communication with home educators. As with offers of meetings, when communicating to parents that forms are optional, it would be very helpful to reflect on phrasing used, to ensure it does not convey or suggest risk of unwanted consequences for choosing different ways of communicating.

In terms of **communications** in general, it would be clearly inappropriate here to dissect those of any particular local authority.

It would however be very helpful for local authorities to gather feedback from home educators in their area on the content, tone and timing of communications.

Sadly, there are some very geographically limited accounts of highly inappropriate communications being sent en masse to home educators with tone and content that have been felt to be highly inappropriate, including when parents have already responded to informal enquiries. Obviously, the letter of the law and the spirit of the 2023 guidance is that each child must be considered as an individual and each case treated with the greatest respect, ensuring **all information to be communicated is correct, appropriate and fully relevant to that individual case before it is sent**. To help ensure this is the case, if a LA believes it has already sent requests to families as part of informal enquiries but considers the families to have not responded to these, it would be good practice to **provide each family in question dated copies of any such previous communications**.

Sadly, we are aware of particular instances, thankfully by no means widespread in Wales, where such **written responses seem to be frequently overlooked, even with legal actions being threatened or initiated because the LA has not noted that a written response has already been provided**.

Whilst it is not for the LA to “approve” educational provision or deem it “suitable” or “acceptable, a **practice of automatically confirming receipt of any communication from parents** would be not only be simple courtesy but also **helpful from the LA’s administrative perspective** to avoid future confusion and profoundly stressful situations for families.

It is helpful to remember that the concept of **setting a time limit of 15 working days** for parents to respond to enquiries **only relates to formal enquiries under S437** (i.e. if there is reason to believe that suitable provision is not in place).

There is **no legal time limit** for parents to respond to **informal enquiries**, and it would of course be inappropriate to set a strict time limit for parents to respond to these, **especially if LAs may take a long period of time before any responses are noted by council staff**.

Likewise, it would be inappropriate to request information on educational provision **within a very short period** after deregistration, even on the same day as deregistration, especially if criticisms were then to be raised regarding the amount of information provided.

We are aware that the **funding** that was provided by the Welsh Government in relation to home education as part of the promotion of the 2023 guidance is no longer ring-fenced. However, we appreciate that the only lawful role of the LA in general in relation to EHE is not a proactive support mechanism but simply a reactive one (i.e. to act if it appears children are “missing education”). If LAs do choose to allocate funding for use in relation to home education, then measures that directly enhance the lives of children

would be more appropriate than being used for administrative purposes or increased informal enquiries.

Availability of appropriately located [examination centres](#) that can accommodate access arrangements, and the range of examination boards and subjects that are relevant to home educators, at a fair price, continues to be a very significant issue.

It is, of course, highly inappropriate to only enable options that would put home educated children at a disadvantage compared to school-based peers.

For example, it would be inappropriate to only provide or facilitate examination centre access for GCSEs that require non-examination aspects, such as practicals or spoken components, in the expectation that home educators would just have to accept the loss of those marks, especially when, for example, international GCSEs are much more accessible for home educated young people.

Indeed, the capacity that home education enables for young people to prepare for a wide range of diverse qualifications and subjects should be something that would be desirable to encourage, promote and facilitate.

Some parents who have recently deregistered have cited that continued access to [Hwb](#) would have been very useful, aware that this was promised by the Welsh Government when promoting the introduction of the 2023 guidance.

However, should local authorities choose to use funding to facilitate access to online learning resources, such as Hwb and Twinkl, home educators would seek explicitly stated reassurances that their use of these could not and would **not be observable by local authority staff, or used for monitoring or “inspection” purposes.**

Generally speaking, if funding is being used in relation to home education, then choices opportunities that [empower and facilitate families](#) in their home education journey may often be felt to be preferable to options that are arranged, coordinated and run by local authorities. For example, improving and facilitating availability of a range of facilities for home educators to hire or use themselves may be more progressive and beneficial than prearranging structured situations where local authority staff may be present.

It is also encouraging to note that, generally speaking, most LAs in Wales tend to appear to [appreciate that there is no lawful basis for monitoring home education.](#)

It has however been concerning to see the concept of and/or term “**monitoring**” be used on occasions in a very small minority of areas. Indeed, it has even been noted in a job advertisement for a LA employee in relation to elective home education. It would lead to a very confusing and unworkable situation if someone were employed expecting to fulfil a role that they cannot lawfully insist on. It is of course important to remember, should LAs repeat contact with home educating families when **they are already aware that the children are not CME**, for example to ensure their records are up to date by asking if they are still home educating, that **this should not be used as an attempt to inspect or monitor ongoing provision.**

The recent consultation on proposals for [databases](#) of children has taken a considerable amount of time and attention for the first half of 2024. We would greatly appreciate the opportunity to share with local authorities the basis for complaints put

to the Welsh Government in relation to concerns about the consultation process, in addition to deep concerns of the likely counterproductive outcomes of enactment of any such proposals being highly damaging to the welfare of children.

Caution has been expressed by some in accessing the [school nurse team](#) due to concerns that identities or information could be shared with the education department of the local authority, even more so in the light of the database proposals. Therefore, it would be most helpful to **provide written reassurance for home educators that confidentiality of access to healthcare**, including contact with school nurse teams, is fully respected by all departments of the local authority, and that data is not routinely or automatically shared between these two separate provisions of healthcare and education services.

You may also find the [recently published report “Confidentiality and Respect”](#), on the issues faced by home educators when encountering discriminatory attitudes or inappropriate data sharing when [accessing health care](#) helpful as an insight into the experiences of home educators.

(Updated link for this report is added here: <https://he-byte.uk/wp-content/uploads/2025/10/Confidentiality-and-Respect-Report-March-2024.pdf>).

The findings of the report and the issues arising from these can be discussed directly with the author via HEACH@gmail.com.

A couple of LAs in Wales have recently revised their [local policies](#), however we have noted a few errors in these. We would be most happy to share notes on these observations if you are considering revising your local policy, to minimise workloads and save any requirements for future corrections once published.

These are just a few simple areas that have formed the basis of discussions, comments and concerns for home educators in Wales so far this year.

We trust sharing these will be a helpful and positive step for home educators and local authority staff alike, and welcome engagement, thoughts, questions and useful information in return.

Kind regards,

Home Ed Cymru.