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Y Gweinidog Addysg  
Minister for Education



Llywodraeth Cymru  
Welsh Government

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Dear Lynne,

Thank you for your letter seeking an update on progress in relation to home education. I welcome this opportunity to update the committee on developments and timescales for going forward.

Our primary policy objective with this approach is to assist local authorities in undertaking their duties under section 436A of the Education Act 1996 to identify children not in receipt of suitable education and to take appropriate action to rectify this situation. While developing the new statutory guidance there are a number of fundamental principles we need to ensure we uphold. Not least of these are the rights of the child to be heard and to be safe.

### **Statutory guidance**

I am pleased to confirm new draft statutory guidance has been developed and represents a significant shift in current expectations of local authorities. The statutory guidance will assist local authorities to carry out their duty to ensure children receive a suitable education. In addition to providing clarification on the characteristics of a suitable education, the statutory guidance reinforces the levers available to local authorities to use when a suitable education is not being provided. The statutory guidance also clarifies the support local authorities could make available to home educators in their area.

I have previously stated my view that I do not believe it would be possible to make an informed judgement about whether a child is in receipt of suitable education without seeing the child. The draft statutory guidance reflects this view and provides local authorities with far more detailed advice about assessing the suitability of education for home educated children.

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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.

In developing the guidance my officials have engaged with a range of stakeholders to ensure it is as comprehensive and effective for local authorities as it can be prior to the consultation. Throughout this process officials have engaged with all 22 local authorities seeking their input on the guidance ensuring it has been developed with an understanding of the practical implications of its implementation.

Officials have also engaged with the Children's Commissioner for Wales on the development of the guidance. Discussions have focused on the Commissioner's three tests. My officials have made every reasonable effort to take on board the views and feedback from the Commissioner, and I am confident the draft statutory guidance has been informed by a children's rights approach.

I am aware of the Commissioner's concerns about the pace of delivery on these proposals. However, the Commissioner recognises this is a complicated area. I fully acknowledge it has taken longer to develop the guidance and regulations than originally anticipated, but this is not without good reason. The repercussions of not getting this right for local authorities and home educating families are too serious, and so we have been comprehensive in our engagement with local authorities and other stakeholders. As you will appreciate, citing them on numerous draft versions of the guidance takes time. I am confident that our draft guidance goes further in setting out expectations on local authorities than any other country in the UK; we have taken time and effort to think through the implications and possible unintended consequences as a result of this significant shift in expectations on local authorities. My officials have undertaken all of the necessary and appropriate assessments, including a detailed integrated impact assessment, of which a children's rights impact assessment is a key component.

We have worked with local authorities to try and establish the costs of current administrative practice across Wales, and to consider potential future costs as a result of the new statutory guidance and new expectations on local authorities. This will inform the regulatory impact assessment which will be published alongside the final version of the guidance and regulations.

### **Handbook for home educators**

Officials have also developed a handbook for home educators; this was not part of the original proposals. However, it has been developed because a number of universal health, care and support services and youth services are facilitated through school and as a result, some home educated children and their families may not be aware of their entitlements and potentially miss out on key initiatives and services.

The handbook is a comprehensive resource for those who are already home educating or those who may be considering home education. It brings together a variety of information and links to resources that will be of interest to home educators. My officials have engaged with home educators on the development of the handbook, seeking to ensure it is written with the needs of children in mind, but also outlining implications for home educators as a result of the new statutory guidance.

### **Database**

Consultation on the draft regulations regarding the database and the exchange of information between local health boards and independent schools to local authorities will take place separately. This is due to an extensive scoping exercise officials are undertaking with local authority, independent school and local health board representatives. We want to ensure the database is as comprehensive as it can be, but also to ensure the database is

developed in such a way that if appropriate it can utilise existing data platforms and does not place a disproportionate administrative burden on local authorities, local health boards and independent schools. This is detailed work, not just looking at existing systems, but also the legal basis under which current systems work and considering if these can be used, what changes if necessary we may need to make to regulations in order to ensure these systems if used is done in a lawful way. The scoping work will be complete by mid August and a consultation on the database, which will be technical in nature, is expected to take place in November. Rather than delay the consultation on the guidance to coincide with the regulations, which as I outlined above won't be ready till November, I consider it expedient to consult on the guidance later this month, as it will have a wider audience than the regulations, which are a technical matter and won't have as a direct impact on home educating families as the new guidance.

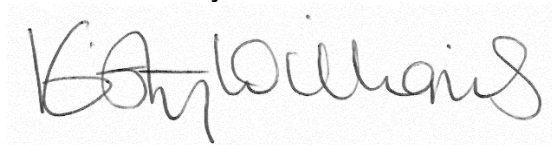
### **Next steps**

The consultation on the draft statutory guidance and handbook for home educators will commence on the 29 July for 12 weeks. There will be a series of events across Wales to gather the views of stakeholders including home educated children and young people.

The consultation on the draft regulations is expected to commence in November this year. This will be a shorter consultation as it will be technical in nature and therefore will run for 8 weeks.

It is intended that the statutory guidance and regulations will come in to force in May 2020.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', is written over a light grey rectangular background.

**Kirsty Williams AC/AM**

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