

Adventrip.com Consultation Template



Children Not In School - Proposed Legislation

Launch date 2 April 2019
Respond by 24 June 2019

To assist you in completing the government consultation, we have provided the template below for your reference.

Please note that the government consultation is structured around four basic legislative propositions as follows:

- (1) A duty on local authorities to maintain a register;
- (2) A duty on parents to supply information for the register;
- (3) A duty on certain settings to supply information; and
- (4) A duty on local authorities to provide support for home education.

We intend to provide on the survey questionnaire a guided response to each lead legislative proposal.

A DUTY ON LOCAL AUTHORITIES TO MAINTAIN A REGISTER

(Question 1)

Do you agree that local authorities should be obliged to maintain a register of children who are not registered at specified schools (those listed at paragraph 2.2) or being educated under s.19 arrangements?

I disagree.

The Local Authorities currently have a statutory duty and power (under Section 436A of the Education Act 1996) to make arrangements to enable them to establish the identity of the children in their locale who may not be receiving 'suitable' education. The stipulations entitle them to make enquiries of parents home schooling their children, and establish what education the children are being provided.

If then the Local Authorities feel that the parents have provided insufficient information, they have the legal power (under Section 437(1) of the Education Act 1996) to trigger intervention to which the parents are given no less than 15 days to respond from the date the letter was served, and failing which a due legal process can formally commence.

Furthermore, elective home education department guidance 3.7 for Local Authorities can initiate voluntary registration schemes so that support can readily be available to those parents who wish to receive it. I therefore argue, in view of such statutory powers Local Authorities already have in place, registration of children for parents who home school is unnecessary. And equally children educated and/or enrolled (under Section 19 of the Education Act 1996) with Local Council arrangements, do not require further registration. The Local Authorities must first demonstrate that the current stipulations in place are unworkable. That in my view has not been shown or proven to the public yet.

A DUTY ON PARENTS TO SUPPLY INFORMATION FOR THE REGISTER

(Question 13)

Do you agree that parents should be under a legal duty to provide information to their local authority about a child who is within scope of the proposed registration requirement?

I disagree.

The 'statutory duty' to gather information about a child is invested on the local authority (see Question). Asking parents who have opted for elective home education to shoulder this responsibility 'under a legal duty' adds extra work and demands that they can do without.

I argue that (under Section 7 of the Education Act 1996) the parent [guardian] has a statutory right to home educate and provide 'efficient full-time education suitable' to their child's age, ability and aptitude. However, the 'legal duty' is on the government and the local council (policies) to clarify definitively the terms 'efficient', 'full-time' and 'suitable' and what they legally entail. This is what is crucial to parents as they seek to be provided clarification of these terms in statute law (guidance for parents April 2019, 2.6 - 2.10, p.7). I therefore believe merely seeking information from parents about their children or adding more pieces of legislation by the government may not provide the answer both parties are searching for on the issue of elective home education.

A DUTY ON CERTAIN SETTINGS TO SUPPLY INFORMATION

(Question 19)

Do you agree with the general approach that the proprietors of settings providing education in school hours - other than specified types of school - should be under a duty to supply information to local authorities about any child in scope of the proposed register?

I disagree.

I am particularly concerned about the proposals under the heading ‘Technical detail of proposal’. The local council seems to propose that proprietors of settings providing education in schools would be included in primary legislation with details set out in regulations (secondary legislation) and then conclude that these may at some point include ‘regulation of settings which are not schools.’ I would kindly request that clarification be first provided by the government about what exactly they mean by “proprietors”, “settings”, “normal school hours” and “settings which are not schools”. Failing to properly define these terms could inadvertently land certain faith groups and church organisations in trouble with both the state and local council. These would see it as the state legislation intrusion on their religious liberty.

I would like to provide a practical scenario on the point of religious liberty, home schooling and ‘suitable’ education. Elective home education guidance for parents (April 2019, 2.10, p 8) states that “to be ‘suitable’, education at home should not directly conflict with the Fundamental British Values in government guidance (link at the end of document), although there is no requirement to teach these.” The inclusion of ‘Fundamental British Values’ in the definition of ‘suitable’ education which among others includes ‘mutual respect, and tolerance and understanding of different beliefs’ is a most welcome proposition. However, when the Fundamental British Values as defined in the Equality Act 2010, pitch the protected characteristics of ‘religion or belief’ and ‘sexual orientation’ as two competing interests, the resulting clash raises issues of liberty of conscience among certain faith groups or church organisations who may be deemed to be “proprietors” of settings that run Children Sabbath Schools, Vacation Bible Schools, Pathfinders, Youth Clubs, and Bible Study Groups to mention a few, where children being home schooled attend with the full view and knowledge of their parents. I have sought to highlight an issue here that needs to be addressed before consent is provided in the proposition in question. Questions such as what role would Local Authorities have in such settings if ever?

**A DUTY ON LOCAL AUTHORITIES TO PROVIDE SUPPORT FOR HOME
EDUCATION**

(Question 25)

Do you agree that there should be a statutory duty on local authorities to provide support on request to parents who educate children at home, of a type to be prescribed by the Secretary of State in regulations?

I disagree.

In an age of continued austerity measures by the government and local councils, this proposed piece of legislation for parents is counterproductive. On the basis that the Government's preference is for children to be educated in mainstream schools, it would appear to be unnecessary for the local authorities to be under statutory obligation to provide support for parents who choose to educate their children at home. Will the support upon request by parents who opt for home education have strings attached to them? If so, what are they? This and other questions need clarity and answers before legislation is enacted.

FURTHER COMMENTS

(Question 35)

Do you have any other comments on the government's proposals for legislation relating to registration and support for Home Education?

Yes.

I respectfully request that the government consultation under consideration be put on hold until a further call for evidence has been conducted particularly with faith groups, church organisations and the parents who educate their children at home on the basis of religious beliefs or cultural values.

For more information about the consultation, please visit this page:
<http://adventrlp.com/item/74-children-not-in-school-proposed-legislation-government-consultation>

For additional examples of responses to this consultation, please see the links below:

Evangelical Alliance Guidance

<https://www.eauk.org/what-we-do/public-policy/could-you-respond-to-government-consultations/respond-to-the-children-not-in-school-consultation>

Christian Concern Guidance

https://www.christianconcern.com/our-issues/education/open-consultation-on-children-not-in-school?utm_source=Christian+Concern&utm_campaign=21ad7c8798-WN-20190607&utm_medium=email&utm_term=0_9e164371ca-21ad7c8798-127560869

Christian Institute Guidance

https://www.christian.org.uk/wp-content/uploads/Children_not_in_school_proposed_legislation_briefing.pdf