

Kirsty Williams AC/AM
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref KW/02585/18
Sally Holland
Children's Commissioner for Wales

Ceirios.Williams@childcomwales.org.uk

20 November 2018

Dear Sally,

With reference to your letter of 9 November to the First Minister regarding Elective Home Education, I have been asked to respond.

The Welsh Government shares your view that all children in Wales should be accounted for and this clearly stretches wider than the educational remit. We have instigated cross departmental work to develop and deliver policy that will support systems which increase routine contact between public services and children. This work will also include multi agency procedures to ensure that where a child is not seen by public services this prompts an appropriate and proportionate safeguarding response.

In terms of elective home education proposals as I have previously stated, the primary policy intent is to ensure that home educated children in Wales receive a suitable education. In order for the local authority to satisfy itself of the suitability of education provision by the parents it is reasonable in most cases for the local authority see the child. Where families refuse the local authority access to see the child then the local authority will need to consider if it can conclude a child is receiving a suitable education. If not, then the local authority already has powers to issue school attendance order (SAO). The statutory guidance will make clear the expectations on local authorities in these circumstances. If a local authority is of the view there is a safeguarding issue they should, as now, follow existing safeguarding procedures.

The statutory guidance being developed will outline activities the local authority can undertake to identify children and young people of compulsory school age not currently known to them. The right for children and young people to be seen and listened to is a

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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.

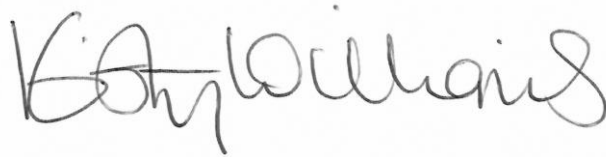
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

fundamental one and local authorities will be encouraged to make every effort to ensure that home educated children have access to the same levels of support and opportunities as those in mainstream school as well as have the opportunity to share their views regarding the education they are receiving.

To be clear, these proposals will not provide local authorities with new powers. Rather, in addition to providing statutory guidance to local authorities to enable them to establish the identities of children who are not receiving suitable education, it will make it clear what existing powers local authorities have at their disposal and will strongly reinforce the expectation that these powers will be utilised appropriately in order to ensure that those children do receive a suitable education.

The EHE stakeholder group has three meetings scheduled between now and the launch of the formal consultation. These meetings will provide an opportunity for sharing the draft guidance and promoting discussion on its content prior to the consultation. Following a clearly set legislative process the intention is that the new regulations and statutory guidance will come into force in March 2020. The coming into force date reflects the work that will need to happen post consultation; including updating the statutory guidance and regulations following an analysis of the responses, but also amending the various assessments and the regulatory impact assessment. I will also be seeking Cabinet approval on the final regulations and statutory guidance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kirsty Williams'.

Kirsty Williams AC/AM

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