

Written evidence from Fiona Nicholson

1. I am an independent home education consultant. I have given oral evidence to previous Committee enquiries into home education as well as giving oral evidence to a Public Bill Committee. I run several websites dedicated to home education and special educational needs <http://edyourself.org/> and <http://www.ehe-sen.org.uk/> I have contact forms on my websites which parents often use to ask me for advice or support. Parents can also get in touch with me via Facebook and Twitter. In addition I published a survey on home education and SEN after the reforms were introduced <http://edyourself.org/articles/SENSurvey.php> , and I speak regularly at conferences and workshops, primarily organised by home educators but also for example more recently by the Parent Carer Forum in Portsmouth.
2. This submission deals with issues related to children who are being home educated or whose parents are considering home education.
3. There are specific problems which arise when a child is not on a school roll and the most common difficulties which parents raise with me are related to home education being treated as "a change of placement" or else with the local authority insisting that parents have opted out and are not entitled to any services or support, including turning down all requests for personal budgets and direct payments.
4. In terms of assessment, parents are often told that a child will need to be observed in a school setting as part of the assessment, or that evidence will need to be provided from "a setting" (ie not parents)
5. I spend a lot of time explaining to parents that what they are seeking in the first instance is an EHC needs assessment, ie that they are not "asking for an EHC Plan."
6. With regard to the transition from statements to EHCPs, in a number of cases the local authority has not reviewed the statement regularly while the child has been home educated so the information is vastly out of date (I think professional advice dating from 8 years ago was the oldest) but is retained in the EHCP "because it comes from a professional".
7. Where parents provide advice from professionals to support the transition to an EHCP, the local authority will often relegate this to Section A which is not legally binding.
8. It has been quite common for parents to get a letter saying that the transition to an EHCP has begun but after the review meeting the statement has been maintained instead of being converted to a Plan, even though parents will receive template letters regarding school placement which make reference to a (non-existent) Plan.

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9. It can take a lot of effort to unpick what has been happening because an EHCP may have been in draft for such a long time and the authority appears to have no tracking process. This of course is detrimental to the parents' right of appeal and the child may be out of formal education for a very lengthy period of time.
10. The two most common difficulties raised with me by parents relate a/ to the local authority treating the move to home education as a change of placement, and b/ to local authorities' refusal to have a sensible discussion about personal budgets and direct payments for home education. The SEND Code of Practice is not clearly worded on this point.
11. Problems arise when the local authority treats the move from school to home education as a change of placement even where there is no intention on the part of the local authority to fund the home-based provision. Parents are told that the Plan has to be reviewed "to see if the request to home educate can be approved" and before the child's name can be deleted from the school roll.
12. Alternatively, parents may be told that the "request to home educate" has to "go to panel." This contravenes the Pupil Registration Regulations 2006 as amended which do not allow of any exception to the child's name being removed from roll straight away UNLESS the child is a registered pupil at a special school.
13. In terms of personal budgets and direct payments, I have had approaches from parents right across the country saying their council "does not do personal budgets for education". This is also borne out by recent DfE statistics on personal budgets recorded here <https://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2018>
14. Sometimes the local authority will turn down a request for a personal budget and direct payments because they don't know how they would describe it in the EHCP, in particular what they would put in Section I. Rumours abound as to what is and is not acceptable for Section I. It has been my experience that a local authority will insist a school or PRU be named on the EHCP (even if everyone knows that the child will never attend and that nobody will ever even meet the child) in order that the place funding can be delegated to pay for some tutoring or for council EOTAS provision.
15. It goes without saying that there is no funding for SEN where a child is home educated with or without an EHCP, and this generally includes therapies such as SALT or OT as well. Parents are deemed to have opted out and if they ask for help it is seen as an indication that they can't manage (and therefore shouldn't be home educating)
16. Once a child with an EHCP is home educated parents find that SEN departments don't really understand home education and that families are either policed or ignored, or sometimes both.

17. Sometimes a local authority will propose ceasing a Plan purely on the grounds that a child has become home educated, even though a Plan would definitely be required if the child were to return to school.
18. Parents say things like "we've been going through EHCP drafts for the past 8 months" or "the LA is using information from many years ago in order to get EHCPs completed within the time frame" or "the proposed plan was so inadequate we decided to home educate instead".
19. In my experience EHCPs are routinely ceased once a young person reaches 18 because they are deemed to have completed their education even where home education is ongoing and the young person has made it clear that they hope to attend college in future.
20. I have seen no preparation for adulthood covered at annual review meetings except at parents' insistence. It appears to me that this can easily be overlooked if it should start from Y9 that might seem too early but in subsequent years it will be deemed to have been already covered.

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