

<http://www.dfes.gov.uk/consultations/conDetails.cfm?consultationId=1475>

## Respondent Information Questions

**Which respondent type best describes you (please use the box below to provide additional detail):**

Education Otherwise Disability Group.

Education Otherwise is a UK-based membership organisation which provides support and information for families whose children are being educated outside school, and for those who wish to uphold the freedom of families to take proper responsibility for the education of their children.

Education Otherwise Disability Group is a working group within the organisation which promotes and protects the interests of the growing number of home educating families where children have special educational needs or disabilities.

Education Otherwise Disability Group

c/o PO Box 325,

Kings Lynn,

PE34 3XW

<http://www.education-otherwise.org/index.htm>

**1 Does the statutory guidance make clear the roles and responsibilities of the local authority and its partners in meeting the requirements set out in sections 1-4 of the Childcare Act 2006?**

Disagree

Firstly, parents of disabled children and children with SEN are entitled to refuse childcare if they do not consider any offers appropriate for their individual child. Provision of other services such as speech and language therapy, physiotherapy, occupational therapy, specialist medical equipment and respite care should never be conditional on accepting a place at nursery or SureStart and the statutory guidance must make this clear. The guidance must make it clear that parents are entitled to refuse childcare provision without prejudice if, for example, the parents believe that home-based education is a better option for meeting the 5 ECM outcomes for their children in the early years.

We are extremely concerned that health visitors, social workers, paediatricians and Jobcentre Plus staff, to cite only a few examples of key workers, may not be aware for instance that home education provides many opportunities for socialisation. At present the draft guidance appears to suggest that children who are not in childcare provision are somehow receiving a lower quality of care and have fewer opportunities to mix with other children. We believe that this is a fundamental misunderstanding about home education and we fear that home educating families with disabled children may be pressured into taking up childcare places. Equally some parents will want to make use of a childcare offer but may prefer respite care in the home, which will improve the quality of life for all family members.

We are very concerned that "parents in employment" now appears to be one of the 5 outcomes of social and economic wellbeing for the child. [ Partial Regulatory Impact Assessment to Consultation Raising Standards, Improving Outcomes 1475 ]

Parents' choice to be with their children must be respected and parents must also have choice about which services they want or need.

**2 Is the guidance clear about what constitutes effective partnerships between local authorities, Strategic Health Authorities or Primary Care Trusts and Jobcentres Plus, and how these fit within wider local strategic partnerships?**

Disagree

Education Otherwise Disability Group is concerned that medical practitioners will not be aware of the legality and practice of home education for children with disabilities and special educational needs. We would welcome more on this in the statutory guidance. We are also concerned that Jobcentre Plus staff are not aware of the practice of home education. It is the experience of our members that Jobcentre appointments can be very stressful eg for single parents with a disabled child. It appears from the draft guidance as though there will be JobCentre targets focused on getting parents of disabled children to accept childcare services which may not be wanted by the family. Parents' choice to be with their children must be respected and parents must also have choice about which services they want or need.

**3 Is the guidance sufficiently clear on how analysis of data and research can enable service delivery to be effective in targeting those most in need of services, and the best ways of delivering services to overcome obstacles?**

Disagree

It is hard to understand the Department's precise meaning of the phrase " those most in need of services" . For example a child with physical disabilities or SEN may receive medical or other services from the local authority while his family still opt for home as the most favourable setting for early years . In those cases early years mainstream childcare provision would not be required and the family's choice and the family's values must be respected. We would welcome acknowledgement of this in the statutory guidance.

At the same time, we note that paragraphs 91-94 of the draft statutory guidance set out the need for a brokerage service and additional funding to parents who may find it difficult or be reluctant to take advantage of childcare. Education Otherwise Disability Group would appreciate further information about the range of childcare provision which is envisaged and a guarantee that the parents' views about what they actually want and need will be taken into account. For example families with a disabled child find it extremely hard to access respite care.

Furthermore, some children especially those on the autistic spectrum or those with sensory integration disorder would find childcare provision in a group setting outside the home to be extremely stressful. This would not be the best way to promote the 5 outcomes of Every Child Matters for these individual children since one size clearly does not fit all. One or both parents may need to stay at home to provide the best possible outcome for the child.

Parents' choice to be with their children must be respected and parents must also have choice about which services they want or need.

**4 Does the guidance clearly set out the role of the local authority and the steps it should take to improve quality in the early years?**

Disagree

No, it is not clear what is meant by "quality". It seems that high quality is only envisaged as occurring within Early Years settings yet many families feel that the best place for the child is at home with the family. More consultation with representatives of SEN and Disability groups would open up the possibilities for families with disabled children based on what the families themselves want and need. Some parents will want mainstream childcare . Others with SEN will want respite care and be repeatedly turned down since the criteria are based on the highest levels of Disability Living Allowance, despite Government assurances that Every Disabled Child Matters. For some children with SEN home educating parents may feel that childcare provision outside the home will very rarely be appropriate.

**5 Is the guidance clear on how to meet the needs of those most at risk of poor outcomes for example from low income families, disabled children, BME groups, SEN etc?**

Disagree

Families with disabled children or children who have special educational needs may be in need of SOME

services while at the same time preferring to raise their children at home and not send them to daycare. There is absolutely no conclusive evidence that formal provision outside the home is the only way to improve the outcomes for children. We are concerned that targets to get disabled children into childcare provision could be seen by the local authority and the JobCentre as more important than meeting the real needs of the children and the families.

Education Otherwise Disability Group is particularly concerned about phrases such as "active out-reach work" in certain sectors of the community. Our members would appreciate an assurance that home educating parents of disabled and SEN children will be permitted to turn down an offer of childcare if they prefer home-based education and informal social opportunities for their children.

We would however welcome more access to respite care which our members tell us would improve the quality of life for children and families. We note that paragraphs 91-94 of the draft statutory guidance set out the need for a brokerage service and additional funding to parents who may find it difficult or be reluctant to take advantage of childcare.

Education Otherwise Disability Group would appreciate further information about the range of childcare provision which is envisaged and a guarantee that the parents' views about what they actually want and need will be taken into account.

Parents' choice to be with their children must be respected and parents must also have choice about which services they want or need.

## **6 Does the guidance explain what local authorities should be doing to involve parents, and listen to children in the planning, commissioning and delivery of service for young children?**

Disagree

What assurances do we have that the child who is at home with the family will not be regarded as a case of the family simply failing to take up the offered childcare place, rather than making a positive home-based choice ?

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## **7 Is the guidance clear about how to include Private Voluntary and Independent providers in partnership working?**

Disagree

Education Otherwise Disability Group would welcome the opportunity to be involved in discussions about respite care and a range of non-standard flexible forms of childcare tailored to meet the needs of the individual child.

## **8 Does the guidance demonstrate how statutory targets support the outcomes duty, and how local authorities will meet these targets?**

Disagree

We have seen a number of government targets lead to a decrease in services and we would be very concerned that current services such as speech and language therapy, physiotherapy, occupational therapy and respite care would only be available via external childcare facilities and would therefore be withdrawn from disabled and SEN children who are at home with their parents.

If targets relate to % take up, we also fear that there will be undue pressure put on families who are more vulnerable since they are in receipt of local authority services and therefore may be deemed "in need". For example, we are concerned about the "active outreach work" which will be focused on lone parents and parents with SEN or disabled children. "Reducing inequalities" between children [Annex B RIA] must not mean that all children are to be placed in daycare.

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which services they want or need.

**9 Do you believe that local authorities and their partners require any further information than currently exists to support them in meeting the requirements set out in the guidance?**

Agree

Yes we believe that the local authorities and their partners require much more information about home-based education for children with SEN and disabilities. Please contact Education Otherwise Disability Group for further details. It is critical that all members of the children's workforce have some knowledge of home education. Our members with SEN and disabled children face discrimination on a daily basis where health professionals regularly challenge the right to home educate and insist that nursery is the best place for children, without having any knowledge or experience of home education. Education Otherwise Disability Group would be pleased to work with the Department in the specific area of Elective Home Education and disabilities and Special Educational Needs.

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