

Consultation into the Definition of an Independent School

Consultation Response Form

**The closing date for this consultation is: 26 October 2007
Your comments must reach us by that date.**

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Children, Schools and Families e-consultation website (<http://www.dfes.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential.

Name Ann Newstead
Organisation (if applicable) Education Otherwise
Address: **PO Box 325,
Kings Lynn,
PE34 3XW**

If your enquiry is related to the policy content of the consultation you can contact Paul Lavery on:

Telephone: 01325 392150
e-mail: Paul.Lavery@dcsf.gsi.gov.uk
Fax: 01325 39 2128

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794113

e-mail: consultation.unit@dcsf.gsi.gov.uk

Please tick the box that best describes you as a respondent:

Independent School

Public Organisation

Private Organisation

Individual

Voluntary Organisation

Local Authority

School

Home Educator/Parent

Other

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

1 Do you agree with the proposal to expand the definition of an independent school to include settings which are the main organiser of a programme of education for children of compulsory school age, subject to a number of exclusions to be set out in regulations?

Agree

Disagree

Not sure

Education Otherwise disagrees with the proposal to expand the definition of an independent school. In the first place, a perfectly adequate definition already exists. The Education Act 2002 adds to the definition contained in section 463 of the Education Act 1996, stating that an independent school "means any school at which full-time education is provided for-a/ five or more pupils of compulsory school age, or b/ at least one pupil of that age for whom a statement is maintained under section 324 [of the Education Act 1996]

Secondly, the concept of "settings which are the main organiser of a programme of education for children of compulsory school age" begs the question as to how a "setting" can also be an "organiser". In home education, the family may elect to make use of a variety of settings, but the family will retain ultimate overall responsibility. Education Otherwise is concerned that these proposals will have an undesirable impact on home educating families, since if particular "settings" are obliged to register as independent schools, then the families' educational freedoms would be severely compromised.

Thirdly, the phrase "main organiser" is extremely unclear and misleading. In home education the family is the main organiser, but as the Department recognises elsewhere, the parents may delegate part of the educational programme to tutors or to study groups.

Education Otherwise recommends that the Department adheres to the definition of an independent school as set out in the Education Acts 1996 and 2002. Anything else will be unworkable.

2 Do you agree with the proposed list of types of provision to be excluded?

Agree

Disagree

Not sure

We do not agree that it makes sense to alter the existing satisfactory definition of an independent school. If the definition were framed positively, in language which could easily be understood, and in terms of an institution which provides full-time education, then we would not need an arbitrary list of exclusions such as we find here. In other words, there needs to be a common-sense definition of what constitutes an independent school and such a definition already exists. Furthermore, an arbitrary list of exclusions is always going to be open to debate, with questions being raised about "if x, then why not y".

3 Are there any settings that you feel **should not** be included and if so, why?

Home educators may make a variety of arrangements for the delivery of their children's education. It will be important for the Department to recognise that these arrangements remain "education supervised by parents", who may or may not be physically present in every setting.

Education Otherwise is particularly concerned that these proposals will discriminate against home educated children and young people with special educational needs and questions why a Disability Impact Assessment has not been included with this consultation.

4 Are there any settings that you feel **should** be included and if so, why?

We do not feel that additional settings should be included, since we disagree with the proposal that the definition of an independent school should be changed.

5 Have you any other comments?

The previous consultation into this area (February 2007) did not have a regulatory impact assessment. The RIA included with the present consultation dates back to 2003 and many new regulations have been introduced since this point, with respect to Academies and to SEN provision in independent schools. The implications of the expanded role of Ofsted are not examined in this consultation. In addition, it is clearly impossible to do a cost/benefit analysis of the Department's proposed changes without any Impact Assessments for Gender Equality, Race and Disability. A Disability Impact Assessment should take account of the views of stakeholders in the area of disability and Special Educational Needs.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply x

Here at the Department for Children Schools and Families we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

YES

No

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website:
<http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 26 October 2007

Send by post to:
Independent Education and Boarding Team
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Mowden Hall
Staindrop Road
Darlington
DL3 9BG

Send by e-mail to: independentschool.definition@dcsf.gsi.gov.uk