

Raising Standards, Improving Outcomes: Draft Statutory Guidance on the Early Years Outcomes Duty Launch Date: Wednesday 23 May 2007 Closing Date: Monday 17 September 2007

Respondent Information Questions

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

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.

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

Comments: We disagree that the draft guidance marks the parameters of local authority responsibility. We should be equally clear where the local authority is NOT responsible and where the local authority does NOT have a role. It is not apparent how much guidance the Secretary of State is giving to local authorities about listening to parents.

The guidance must make it clear that parents are equally entitled to refuse childcare provision 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. This is particularly important if the child is disabled and in need of other services from the authority or if the child has SEN or the parent or parents have been targeted by JobcentrePlus.

Children in need of services from the Local Authority are equally entitled to home education and the guidance should make this clear. 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 At present the draft guidance appears to suggest that children who are not in childcare provision are somehow receiving a lower quality of care and have fewer opportunities to mix with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 may be pressured into taking up childcare places.

We have objections to the 5th outcome of Every Child Matters being re-defined in the Partial Regulatory Impact Assessment as "social and economic well-being - enjoying an acceptable level of economic well-being through parents in employment". We are told that this draft statutory guidance refers to sections 1-4 of the Childcare Act 2006 yet the Act itself does NOT define "social and economic well-being" as being anything to do with parents employment status. See section 1 (2)(e) http://www.opsi.gov.uk/acts/acts2006/ukpga_20060021_en_2.

We suggest that the any reference to the child's social and economic well being in statutory guidance limits itself to the wording of the Act which is as follows : "(2) In this Act “well-being”, in relation to children, means their well-being so far as relating to—

(a) physical and mental health and emotional well-being;

(b) protection from harm and neglect;

(c) education, training and recreation;

(d) the contribution made by them to society;

(e) social and economic well-being."

http://www.opsi.gov.uk/acts/acts2006/ukpga_20060021_en_2

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

We are not clear whether there will be targets set for JobCentrePlus at local or national level. We do not understand from the present draft guidance how parents in receipt of JSA ,Income Support or Incapacity Benefit will be permitted to refuse an Early Years childcare place, since it appears that these families will be particularly targetted. How will JCP staff receive awareness training in home-based education ? Our members already encounter problems in Lone Parent interviews with JCP staff who do not appear to believe that parents are legally entitled to home educate

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

Comments:It is not clear how data will be anonymised. Nor is it clear how data collected for one purpose will then be used for another purpose and how this meets Data Protection criteria. It is also 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 childcare provision would not be required and the family's choice and the family's values must be respected.

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

Comments:

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. The child in the family home is not to be automatically classified as experiencing a lower quality of social or learning opportunities. Choosing not to send a child to daycare may be a positive choice and should not be stereotyped as a deficit model of failing to engage with Early Years provision.

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

Comments:

These families 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. What assurances do we have that this will be allowed if the LA has statutory targets to meet ? Low income families; families with disabled children; black minority and ethnic families and families with a child with SEN are all entitled not to choose daycare if they feel this is not the best option for their children and the parents' decision must be respected. We are not clear what is meant by “removing the obstacles caused by economic disadvantage” [p.5 draft statutory guidance] Does this mean that JPC will set targets for getting parents off benefit ?The risk-based approach will discriminate against members of the minority groups listed above and will restrict their freedom to choose home-based education as the best start in life for their children. Education Otherwise is particularly concerned about phrases such as "active out-reach work" in certain sectors of the community and would welcome an assurance that home educating parents will be permitted to turn down an offer of childcare if they prefer home-based education and informal social opportunities for their children.

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

Comments:It is not clear how parents can be involved if they do not wish to take up childcare services. Parents may wish to be involved in planning but will reserve the right to refuse to take up an offered place. We are not clear what is meant by “pro-active outreach work” [page 7 draft statutory guidance]. 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 ?

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

No response.

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

Disagree

Comments:

It is not clear how the authority will set its own targets and whether the targets will have to be exceeded year on year. It is also not clear from the draft statutory guidance whether the targets are concerned with % take-up of childcare places (with particular focus on certain groups of families) or whether the targets are more concerned with Ofsted rating of individual Early Years settings. If targets relate to % take up, we 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 focussed 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.

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

Comments: Yes we believe that the local authorities and their partners require much more information about home-based education, which we will be happy to supply. It is critical that all members of the children's workforce have some knowledge of home education. Our members face discrimination on a daily basis, particularly if they have children with disabilities and SEN where professionals regularly challenge the right to home educate and insist that school is the best place for children, without having any knowledge or experience of home education. We have also submitted a copy of the draft statutory guidance by email attachment, where we make suggestions as to where it might be prudent to include home education in the information for the Children's Workforce and Jobcentre Plus staff.