

Report + Third Reading: Ministerial Response to Graham Stuart MP June 11th 2013

<http://edyourself.org/repothisocjune2013.pdf> via
<http://edyourself.org/articles/seninchildrenfamiliesbill.php>

Minister Ed Timpson at Report: My hon. Friend tabled amendments to part 3 in respect of children who are home-educated. I know, because we have discussed the issue, that he takes a keen interest in these matters, both as the chair of the all-party parliamentary group on home education and as the Chair of the Select Committee on Education. He recently wrote to the Secretary of State about the Bill's implications for home educators. He will receive a reply shortly. In the meantime, I reassure him that the Bill will bring benefits to all children and young people with special educational needs, including those who are home-educated. In particular, clause 19 says that in exercising their functions under this part of the Bill, local authorities have to have regard to parents' views, wishes and feelings, which might, of course, include a wish for home education. [HC Deb, 11 June 2013, c217]

Minister Ed Timpson at Report: Parents will still have the right to educate their children at home. Where local authorities draw up education, health and care plans that say that home education is right for the child, the local authority will have a duty to arrange the special educational provision set out in the plan, in co-operation with the parents. [HC Deb, 11 June 2013, c217]

Minister Ed Timpson at Report: Clause 23 sets out which children and young people local authorities are responsible for under this part of the Bill. These will be children and young people who have already been identified by the authority or who have been brought to the authority's attention as having, or possibly having, SEN. There is not that overarching forensic exercise of trying to locate each child. [HC Deb, 11 June 2013, c218]

Minister Ed Timpson at Report: Amendment 63 seeks to tie the definition of the suitability of any alternative arrangements that parents make for children with an EHC plan more closely to the definition of parents' right to home educate as set out in section 7 of the Education Act 1996. However, this is unnecessary as the provision in the amendment is already contained within the phrase "suitable alternative arrangements", so does not need to be spelled out in this way. Similarly, while I understand the concern that amendment 64 seeks to address, it is not necessary. Where a child has a plan that says that education provided in the home is the right provision for the child, the local authority could only cease the plan when it felt it was no longer necessary to meet the child's needs, as set out in the legislation. [HC Deb, 11 June 2013, c218]

Minister Ed Timpson at Report: Where parents take a child out of school to home educate and are making suitable provision, as is the case now with statements, the local authority will be under a duty to review the plan annually to ensure that the provision that the parents are making continues to be suitable. The local authority could cease to maintain the plan only where it was decided it was no longer needed to meet the child's needs. Moreover, the new duty on commissioning bodies to arrange the health provision in the plan and the greater expectation that the social care provision will be made will mean that parents can expect that these will continue to be provided. There is further scope within the code of practice to provide clarity on these issues for local authorities, and no doubt my hon. Friend will want, through his connections with the home education lobby, to contribute to that consultation, which will be happening later this year. [HC Deb, 11 June 2013, c218]

Minister Ed Timpson at Report Where a child has a plan that names a school as the appropriate environment in which to receive his or her education, parents will still be able to decide to home-educate; that is an important point. If they do, the local authority must assure itself that the parents are providing an education in accordance with section 7 of the Education Act 1996 — that is, a full-time education that is suitable for the child's age, ability, aptitude and special educational needs. If the local authority is so assured, it will be relieved of its duty to make the special educational provision set out in the plan, just as it is now with regard to statements. However, local authorities will continue to have the power to help parents to make suitable provision in the home by providing support services. To take on the right hon. Gentleman's point, I would strongly encourage local authorities to consider exercising that power when making decisions about whether the provision being made by parents is suitable. [HC Deb, 11 June 2013, c217]

[Report, House of Commons June 11th 2013](#)