

4 October 2022

Dear ,

FOI ATISN 16632 Elective Home Education

Thank you for your previous request which we received on 6 September 2022 and which we acknowledged on 9 September. We then wrote to you on the 16 September to clarify the second part of your question and we received a reply from yourself on 23 September.

Following your reply on 23 September you clarified that you were requesting: -

- 1. Copies of any and all Welsh Government guidelines/policies/regulations stipulating the processes for running a public consultation such as that into the proposed changes to EHE legislation.*
 - 2. Please confirm whether the consultations into the proposed changes to EHE legislation undertaken between 01/01/2018 and 31/12/2020 meet the requirements for WG guidelines/policy/ regulations on public consultations.*
- Has WG consulted with relevant stakeholders on this matter e.g. current home educators who will be affected by the legislation?*
 - Are there advised timescales for the completion of a consultation and/or the introduction of new measures following a consultation?*
 - Has the EHE consultation process and subsequent (planned) introduction of new measures taken place in these given timescales?*
 - Have all consultation activities been fully completed? It is my understanding, according to Freedom of Information Request ATISN 016557, that several consultation events were cancelled and, to my knowledge, were not rearranged as originally advised.*
 - Have any significant changes to the proposals since 2019 been discussed with relevant stakeholders and/or re-consulted on?*

Our response

1. Please find attached the Welsh Government Guidance on running a consultation.

2. It's important to note that the Freedom of Information Act gives individuals a right of access to recorded information held by a public authority at the time the request was received. It does not require an authority such as the Welsh Government to provide views or opinions where those views are not already recorded. This is confirmed by the Information Commissioner's guidance 'The Guide to Freedom of Information', page 7:

"The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it."

Your broad question "Please confirm whether the consultations...meet the requirements for WG guidelines/policy/ regulations on public consultations" is asking for a qualitative response rather than recorded information; I can confirm that Welsh Government does not hold recorded information that would specifically answer this question.

However, we are of the opinion that the consultations met the requirements of our consultation policy as: -

- Consultation took place when the proposal was still at a formative stage
- Sufficient reasons were put forward for the proposal to allow for intelligent consideration and response
- Adequate time was given for consideration and response
- The product of consultation was conscientiously taken into account

WG has consulted with relevant stakeholders on the proposed EHE changes as follows:

WG35754 [consultation-document-home-education.pdf \(gov.wales\)](#) Home Education – Statutory Guidance for Local Authorities and a Handbook for Home Educators

WG39220 [Local authority education databases | GOV.WALES](#) Consultation on Draft Regulations

[consultation-for-young-people.pdf \(gov.wales\)](#) Children's version New regulations for local authorities to make a list of all school aged children

We can confirm that we aim to enact the proposals previously consulted on, in April 2023 and there are no further measures due to be implemented.

The consultation took place within the dates outlined above. The implementation of our work was paused during the pandemic, and as outlined above, we plan to commence implementation in April 2023.

Some in-person consultation events were cancelled which related to the Consultation for Young People. These events were not rescheduled. The online consultation remained open until 22nd April 2020.

There have been no significant changes to the proposals and there is no further consultation planned.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office,

Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely