



Dear Mr Laws,

We are writing to you on behalf of the Home Education Centre about the Review of Elective Home Education in England conducted by Graham Badman.

The Home Education Centre: <http://www.homeeducationcentre.org.uk> in Chard, Somerset is a voluntary group, set-up and run by home-educating parents. It is a meeting place for families from a diverse range of social and cultural backgrounds to share skills, advice and support. We have contact with and share ideas with other home education groups in the South West. HEC also works on developing relationships with the local authorities and colleges, so that they may better understand and support the home education community.

HEC has been running since 2004 steadily growing in numbers of members and working to improve the already supportive relationship with the Somerset Local Authority.

In 2007, due to the size of our group, we moved to the Chard Young People's Centre and from this platform, together with lots of publicity, building relationships and networking we have reached the point where we have a good working relationship with our LA and other interested parties in education locally.

None of us would wish for one moment for children to be at risk of abuse or not in receipt of an education, but there is a less invasive way forward. We would very much appreciate it if you could read our concerns and consider our suggestions.

On behalf of the members of the Home Education Centre, I would like to draw your attention to the recent Report to the Secretary of State on the Review of Elective Home Education in England conducted by Mr Graham Badman and the current Consultation on Home Education-registration and monitoring proposals.

Our members have raised concerns over the report and in particular Recommendations 1,7,23 & 24 that Mr. Badman 'believes require immediate action'. Since there appears to be more urgency with these four recommendations we will address these first and in more detail. Our other concerns about the report in its entirety will follow on at the end.

Recommendation 1

That the DCSF establishes a compulsory national registration scheme, locally administered, for all children of statutory school age, who are, or become, electively home educated.

Forcing any minority group to register with the authorities on the basis of mistrust through unsubstantiated concerns is legally and morally unacceptable. Further, compulsion to register starts any relationship with the LA on an uneven footing as EHE parents are forced to co-operate. EHE families are less likely to be forthcoming with anything other than the minimum requirements of contact under these conditions.

- This scheme should be common to all local authorities.
- Registration should be renewed annually.
- Those who are registering for the first time should be visited by the appropriate local authority officer within one month of registration.

To what aim is the initial visit so prompt? In the case of a child/children traumatized by the school experience or bullying, a visit by an official could be divisive, unproductive and may well add to the child's distress.



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It is widely recognised that families need a period of de-schooling in order to overcome any distress that they may have following a bad school experience, as well as time to consider what form of education is mostly likely to suit their child's individual needs. Somerset LA allow at least 3 months to pass before they make contact to discuss the educational provision proposed.

What about the rights of the child to refuse an audience with the LA, especially in those cases where the child has been traumatised by school/authority experience. Would not the LA's "right of access" as stated in recommendation 7, infringe on the child's right to silence/ right to be left alone.

- Local authorities should ensure that all home educated children and young people already known to them are registered on the new scheme within one month of its inception and visited over the following twelve months, following the commencement of any new legislation.
- Provision should be made to allow registration at a local school, children's centre or other public building as determined by the local authority.

Families traumatized by their child's school experience should not be expected to use schools as registration points or have their EHE in anyway connected to a school setting.

- When parents are thinking of deregistering their child/children from school to home-educate, schools should retain such pupils on roll for a period of 20 school days so that should there be a change in circumstances, the child could be readmitted to the school. This period would also allow for the resolution of such difficulties that may have prompted the decision to remove the child from school.

When parents send their letter of deregistration, notifying the school that they have chosen to home educate their child, this does not mean that they are merely "thinking of" home educating. Rather than being accepted, will the deregistration be deferred for 20 days and will the child still have to attend the school for this 20 days, when clearly, through written notification they no longer wish to remain.

Through experiences of some of our families, we have noted that sometimes schools already try and steer families away from EHE, often misquoting the laws and procedures governing EHE, especially if the child has SEN and the school is in receipt of extra funding. Giving schools more time to defer home education and 'persuade' families who are often already quite vulnerable and distressed is unacceptable.

- National guidance should be issued on the requirements of registration and be made available online and at appropriate public buildings. Such guidance must include a clear statement of the statutory basis of elective home education and the rights and responsibilities of parents.
- At the time of registration parents/carers/guardians must provide a clear statement of their educational approach, intent and desired/planned outcomes for the child over the following twelve months.

"Planned outcomes" makes no consideration for the autonomous approach to EHE; where there is no way to predict a child's potentially ever changing interests. There can only be a commitment by the parent to facilitate the child's learning and forward progress.

- Guidance should be issued to support parents in this task with an opportunity to meet local authority officers to discuss the planned approach to home education and develop the plan before it is finalised. The plan should be finalised within eight weeks of first registration.

If LAs are given powers to deny or revoke registration, they will be able to insist on formulaic educational plans that they favour and there will always be an underlying fear by parents that non-compliance will result in revocation of registration.

During home education and especially in the first year of home education, families may frequently re-evaluate their approach to education in order to find a style that best supports their individual children's learning style.

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In fact good practice would suggest that re-evaluation should take place throughout the child's education. If parents feel they must adhere to the model they first suggest, they could well impair the child's learning for the sake of conformity and fear of the authority of the LA officer.

■ As well as written guidance, support should encompass advice from a range of advisers and organisations, including schools. Schools should regard this support as a part of their commitment to extended schooling.

If the parent of the child feels that it was the school or structure of the national curriculum and its delivery that were the factors that led to deregistration, the involvement of schools could be inappropriate.

Taking a recent quote from Mark Field MP "The ability to be free from an all-knowing, all-seeing state's ideas of education, welfare and standards forms the fundamental appeal for many of those who choose home education for their children."

■ Where a child is removed from a school roll to be home educated, the school must provide to the appropriate officer of the local authority a record of the child's achievement to date and expected achievement, within 20 school days of the registration, together with any other school records.

In this context, expected achievement will be based on national curriculum targets. This is, to many home educators, too restrictive and specific to school culture and may not support their chosen philosophy. State defined expected achievements or targets are inappropriate for home educators and undermine the entire ethos of education.

■ Local authorities must ensure that there are mechanisms/systems in place to record and review registrations annually.

Recommendation 7

The DCSF should bring forward proposals to change the current regulatory and statutory basis to ensure that in monitoring the efficiency and suitability of elective home education:

■ That designated local authority officers should:

have the right of access to the home;

UNCRC Article 16 states that:

- 1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.*
- 2. The child has the right to the protection of the law against such interference or attacks.*

Mr Badman proposes to make such interference lawful. However, he has not shown that the interference is not arbitrary. The fact is that all information that the Local Authorities might reasonably require about the education and safeguarding of children can be obtained in far less intrusive ways than those being proposed by Mr Badman. That means that his proposed home visits and interviews are arbitrary in every sense of the word.

have the right to speak with each child alone if deemed appropriate or, if a child is particularly vulnerable or has particular communication needs, in the company of a trusted person who is not the home educator or the parent/carer.

UNCRC Article 12 as quoted in 3.3 of this review states:

- 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*



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If this is the major legal provision on which Mr Badman relies on for his proposal of home visits and interviews with children in the absence of their parents, then it is very divisive in its omission of the second part which states:

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

The Convention, therefore, provides for a range of options, including one where the child's views are presented by someone representing the child. Mr Badman however, silences the Convention on this issue and provides in his proposal for only one option; that the child be interviewed by representatives of the Local Authority.

This is wholly inappropriate and an invasion of the sanctity and security of the home that the family and child are entitled to. A child has a right to feel safe in their home. They should never feel under threat in their own home.

Regarding good practice in child protection provision, it is completely inappropriate to allow a stranger to interview the children on their own. If abuse has occurred the very last action should be to isolate a child/children in this manner. It also puts the LA officer at great risk of accusation of inappropriate behaviour.

In this Recommendation, a visit has been suggested within a month of registering. The LA officer will be a stranger both to the parents and especially the children. Children will not divulge sensitive information to a stranger. This pushing of authorities to "see" the child all stems from the ill-conceived perception that HE families live like hermits and their children are never "seen".

HE children invariably belong to a variety of clubs, Scout Association and HE groups. Many of these have Child Protection policies and trained staff/volunteers in place.

In so doing, officers will be able to satisfy themselves that the child is safe and well.

A true picture may well not be apparent in a short visit, the local authority will not achieve what it sets out to establish. When working with children on the 'At Risk' register, it is well accepted that it takes children a long period of time, with regular contact, to develop an attachment to or establish a level of trust in any adult.

Can schools really meet the safeguarding requirement? If, as we understand just 15% of a child's waking hours are at school, what percentage of that time is taken up with opportunities to share hugely sensitive information with an unhurried adult?

■ That a requirement is placed upon local authorities to secure the monitoring of the effectiveness of elective home education as determined in Recommendation 1.

■ That parents be required to allow the child through exhibition or other means to demonstrate both attainment and progress in accord with the statement of intent lodged at the time of registration.

The term "efficient" and "suitable" education is not specifically defined in law, nor can it be if the rights of parents to choose how to educate child are to be preserved as stated in 1.5 of the review. If levels of attainment or any kind of prescriptive education is forced upon home educators then these parental rights have been taken away and a "state knows best for your child" scenario develops, leading to a standard curriculum for home education. This would be wholly inappropriate as 1.3 in the review states "indeed to attempt to categorise the views of home educators or regard them as an homogenous group would simply be wrong"

By giving LAs powers to monitor "efficiency" and "suitability" of EHE then the burden of responsibility for the child's education is being shifted away from the parent and placed on the state.



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The national Children's plan clearly states it is "Parents not Government that bring up children". It is for the parent to decide what is suitable for their child

It could also be argued that by defining the term "efficient" and imposing the States' will upon home educating families could compromise Article 29(1(c)) of the UNCRC "1. *States Parties agree that the education of the child shall be directed to: (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*" The suggestion by the state that parents are not to be trusted and need constant monitoring undermines respect for the child's parents. This is clearly not a good message to be sending to the child.

Further Article 29(1(d)) of the UNCRC ("*The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin*") would be eroded if "efficiency" and "suitability" were defined along with granted "right of access" into the family home by LAs.

Recommendation 23

That local authority adult services and other agencies be required to inform those charged with the monitoring and support of home education of any properly evidenced concerns that they have of parents' or carers' ability to provide a suitable education irrespective of whether or not they are known to children's social care, on such grounds as

- alcohol or drug abuse
- incidents of domestic violence
- previous offences against children

And in addition:

- anything else which may affect their ability to provide a suitable and efficient education

This requirement should be considered in the Government's revision of Working Together to Safeguard Children Guidance.

The additional point is too subjective and open to abuse.

Training to reduce discriminatory views would be a necessity. Training would have to involve immersing LA officers in the home educating community by shadowing a wide range of families. It could not and should not be taken in isolation in conference centres on 'Training Days' where case studies based on manufactured criteria are studied.

Home Education is not necessarily 'school' at home between 9am and 3pm. For many home educators it is a lifestyle. In this context it is not the fear of accountability that worries HE parents, but the invasion of privacy; the subjective analysis of where we live, or the appearance of our homes with the potential to influence the LA advisors assessment.

We are currently supporting a number of conscientious HE families with legitimate reasons for home-educating who have experienced discrimination at the hands of poorly informed support services.

If the LA officer has a negative opinion of the diversity and breadth of the home educating community, it will ultimately effect the outcome of the visits.

The recommendations in this report give LA officers more powers than the police force and challenge our country's very basis in law and well established procedures of due process that protect people's civil liberties and rights. Police cannot randomly (or with 2 weeks notice) enter somebody's home on the premise that they fall into a demographic group mostly likely to be committing an offence.

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Incidentally there is no research to suggest that home educators are more likely to neglect or abuse their children, nor indeed to take any less interest in their child's education. In fact the contrary has shown to be true, that the majority of home educating families are dedicated to ensuring their children's emotional, physical and educational well-being.

Recommendation 24

That the DCSF make such change as is necessary to the legislative framework to enable local authorities to refuse registration on safeguarding grounds. In addition local authorities should have the right to revoke registration should safeguarding concerns become apparent.

To give LAs powers to refuse families the right to home educate on safe-guarding grounds, permits laws that reverse the assumption of innocence. However, this is so seriously in conflict with the basis of English law that parliaments should be very careful to avoid this kind of action except when there are very grave reasons for it. And then, if these laws are permitted there must be appropriately strong counterbalancing measures (automatic judicial review, appeal etc.) to prevent abuse of these exceptional powers by officials. Mr Badman has not provided any evidence that such grave reasons exist to make such extreme changes to the law.

The following paragraph is taken from the Consultation on Home Education-registration and monitoring proposals:

1.3 The review found no evidence that home education was used to cover forced marriage, servitude, or trafficking other than in isolated cases. However, the reviewer was provided with evidence showing that the number of home educated children known to Children's Social Services in some LAs was disproportionately high relative to the size of their home educating population. There are well established procedures for supporting children known to a local authority where there are safeguarding concerns. However, the review notes that without knowledge of, or access to, a child, such powers are meaningless. HMCI, in her response to the call for evidence, noted that 'schools have an important responsibility to monitor children's safety and welfare but this safety net is missing for children educated at home.'

There are concerns that the high number of children known to Children's Social Services highlighted in this paragraph, are in fact children removed from school under threat of permanent exclusion or prosecution. Parents are in some cases placed under pressure by schools in these circumstances. Mr Badman states that he has 'heard' of this under Recommendation 14, paragraph 6.4.

We have first-hand knowledge that in some LA's, schools are abusing the EHE guidelines to manufacture favourable figures regarding exclusion. These children will automatically be registered under the current guidelines, but the figures paint an inaccurate picture of the genuine home educating community.

A high number of children with SEN will also make up a large proportion of the currently registered EHE community. The nature of their condition often includes the involvement of Social Services from the outset of their diagnosis. If they have been removed from schools, they will automatically be registered.

The model of 'inclusion' is poorly implemented in many LA's. Usually as a result of poor levels of funding and little training. The children most at risk of failure are those with Specific Learning Difficulties; Social and Communication disorders, Asperger Syndrome, High Functioning Autism, Speech and Language disorders and Dyslexia, etc. These children are very able, but need a very different approach to the one on offer in mainstream schools. They make up a significant percentage of the home-educating community. Home education is often exceedingly effective for these children. Parents are able, in this context, to tailor a learning programme specifically designed to meet the children's learning needs.



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How can Mr Badman's review team know that it is indeed the case that there is a disproportionately high number of home educated children known to Children's Social Services relative to the size of the home educating population, when they do not actually know the numbers of families choosing to home educate?

In our experience, of the home educating families known to the Children's Social Services (which are not SEN or EHE through threat of permanent exclusion or prosecution), they are only known because they have been referred to Children's Social Services by other lead professionals lacking training in the area of home education.

Our Solution.

That the current laws and guidelines with regards to home education and the safeguarding of children is already adequate and there are enough powers available for the authorities to act if it is suspected that a child is subject to neglect or abuse. What is needed is better training and understanding of these laws and guidelines and how to put them into practice. Any changes, as suggested by this report, would shift the balance of power between civil liberties and state intervention, which is unacceptable.

In 5.2 of this report Mr. Badman states:

That said, I have been greatly impressed in my visits and conversations with local authorities by what has been achieved through partnership and the fostering of good relationships. Partnership not just with home educating parents and children but also with other agencies. This partnership approach strengthens the local authority's support to home educators and increases their knowledge of the progress and wellbeing of the child or children.

The following case studies demonstrate the commitment and ingenuity of local authorities. This list is by no means exhaustive. Implicit within the following examples is the importance of mutual respect, regular information and the celebration of the achievements of many home educated children.

After outlining four models of good practice, Mr. Badman goes on to say:

The above exemplifications of good practice are in total accord with the demands and recommendations of The Children's Plan and fit well with the developments of Children's Trusts. However such practice must not be left to chance.

To write off these models as simply 'chance' is completely disrespectful and devaluing of all the tremendously hard work that these LAs and home educators have put into establishing good working relationships with one another under the current laws and guidelines. We would suggest that these models be used as a basis for training for other LAs and support networks. Under the newly proposed recommendations these "partnerships" will be completely undermined and unworkable.

If the requirement is to establish the genuine home-educators from the children who truant, or children advised to deregister and consequently receive no education, then the Somerset model could achieve this. By approaching the EHE community through Equalities and Diversity departments, the EHE community has been enabled to define what is meant by a 'suitable' 21st century education for them. Families need to believe and trust that their individual approaches to education are not under threat.

From the outset Somerset County Council's approach differed greatly from other local authorities in our region. They took time to understand the culture of home education and the reasons many families take this route. They have a good understanding that home-educated children and families being monitored and assessed using current mainstream educational methods is inappropriate.

<http://www.six.somerset.gov.uk/equalities/v.asp?level2id=5866&rootid=5866&depth=1>

The HE communities' individual approaches to education might well be the reason that HEC was approached by Richard Huish College a local Sixth Form centre with an exceedingly good reputation. They were actively seeking out children from the HE background, as the college believe that these children bring an extra dimension to their provision. They feel that HE children are self-directed, focussed, natural problem solvers and big thinkers. We are currently working with the college and Somerset County Council to provide access to exams not just for HEC members, but the wider HE community.

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This college has not only developed an Exam Centre for HE students taking GCSEs and I-GCSEs, but are also offering a post-16 three year course involving taking 5 GCSEs in the first year, then straight onto their A-Level programme.

HEC continues to strive towards positive working relationships between Local Authorities and educational establishments in the South West, so that home educators might get 'support' on their terms; support that is actually wanted by the EHE community. Somerset LA recently shared a report with Essex County Council regarding Somerset's working relationship with HEC. The Team Leader of EHE at Gloucestershire County Council has also requested a visit to see and discuss how we established such a positive relationship. In addition various other home education groups have visited us to see how they might develop their groups' provisions and relationships with Local Authorities and educational establishments.

HEC has developed a constitution and a range of policies to support our model. It is a fantastically strong community, with a fast developing reputation. This has all been achieved under the current laws and guidelines on Elective Home Education in England.

Further notes on concerns about this report and its recommendations:

3.3 – The United Nations Convention on the Rights of the Child (UNCRC) gives children and young people over forty substantive rights which include the right to express their views freely, the right to be heard in any legal or administrative matters that affect them and the right to seek, receive and impart information and ideas. Article 12 makes clear the responsibility of signatories to give children a voice:

"Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

Yet under the current legislation and guidance, local authorities have no right of access to the child to determine or ascertain such views.

What about the rights of the child to refuse an audience with the LA, especially in those cases where the child has been traumatised by school/authority experience. Wouldn't the LA's "right of access" infringe on the child's right to silence/ right to be left alone.

UNCRC Article 12 – If this is the major legal provision on which Mr Badman relies on for his proposal of home visits and interviews with children in the absence of their parents, then it is very divisive in its omission of the second part which states *"For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."*

The Convention, therefore, provides for a range of options, including one where the child's views are presented by someone representing the child. Mr Badman however, silences the Convention on this issue and provides in his proposal for only one option; that the child be interviewed by representatives of the Local Authority.

3.5 – The terms "efficient" and "suitable" education are not defined in law, despite the detailed prescription of expectations in schools. Case law has broadly described an "efficient" education as one that "achieves that which it sets out to achieve". A "suitable" education is one that:

"primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life he wishes to do so."



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“efficient” and “suitable” education is not specifically defined in law, nor can it be if the rights of parents to choose how to educate child are to be preserved as stated in 1.5. If levels of attainment or any kind of prescriptive education is forced upon home educators then these parental rights have been taken away and a “state knows best for your child” scenario develops, leading to a standard curriculum for home education. This would be wholly inappropriate as 1.3 states “indeed to attempt to categorise the views of home educators or regard them as an homogenous group would simply be wrong”. Parents must have full rights to decide what is “suitable” and “efficient” if the child is to have a truly personalised education that best suits their age, ability and community setting they live in.

3.11 – This review does not argue against the rights of parents as set out in Section 7 of the Education Act 1996 outlined above, nor their deeply held convictions about education. I believe it would be wrong to seek to legislate in pursuit of an all embracing definition of “suitable”. However, such is the demand and complexity of 21st Century society and employment that further thought should be given to what constitutes an appropriate curriculum within the context of elective home education. Such a curriculum must be sufficiently broad and balanced and relevant to enable young people to make suitable choices about their life and likely future employment. Article 29 of the UNCRC states that:

“1. States Parties agree that the education of the child shall be directed to:
(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
(e) The development of respect for the natural environment.”

It could be argued that adherence to Article 29 would demand further definition of the term “efficient”.

It could also be argued that by defining the term “efficient” and imposing the States’ will upon home educating families could compromise Article 29(c) of the UNCRC; undermining the respect for the child's parents, by through the States’ actions suggesting that parents are not to be trusted and need constant monitoring with respect to their own child's well being. This is clearly not a good message to be sending to the child.

Further Article 29(d) of the UNCRC would be eroded with regards to living in a free society, understanding, tolerance, etc if “efficiency” and “suitability” were defined along with granted “right of access” into the family home by LAs.

Recommendation 2

That the DCSF review the current statutory definition of what constitutes a “suitable” and “efficient” education in the light of the Rose review of the primary curriculum, and other changes to curriculum assessment and definition throughout statutory school age. Such a review should take account of the five Every Child Matters outcomes determined by the 2004 Children Act, should not be overly prescriptive but be sufficiently defined to secure a broad, balanced, relevant and differentiated curriculum that would allow children and young people educated at home to have sufficient information to enable them to expand their talents and make choices about likely careers. The outcome of this review should further inform guidance on registration. Home educators should be engaged in this process.

The Rose review was aimed at the states idea of a “suitable” and “efficient” education delivered to the child within a school setting and is inappropriate as a guide for home education. Again the five ECM outcomes are about the personal aspirations of the child and not a matter for the State to decide or have influence upon.



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4.1 – At the risk of stating the obvious, in seeking evidence as to how the current system operates it begs the question – what system? The differing approaches of local authorities and extraordinary range of practice amongst home educators defy simple categorisation. Indeed, one of the major concerns of home educators within the current system was the inability of some local authority officers to appreciate and understand their practice. I shall return to the role and remit of local authorities in a later section, but I believe it is important to try to capture the views of the many home educators who contributed to this review.

There is a “system” as defined by the current guidelines for LAs in the matter of EHE. What there isn’t is sufficient training in understanding EHE and how to put the policies and procedures into action. The models of good practice as outlined in 5.2 of the report, give a good basis of training for LAs that are less efficient in supporting EHE. As EHE communities are diverse and there are differing models operating within the current legislation, LAs should be able to choose one of these models that best fits their community that they are supporting.

Recommendation 3

That all local authorities analyse the reasons why parents or carers chose elective home education and report those findings to the Children’s Trust Board, ensuring that this analysis contributes to the debate that determines the Children and Young People’s Plan.

So long as the LA was truly impartial this could serve to improve the understanding of the many reasons parents choose to home educate, thus improving the treatment some home educators receive from their LA. Also, in the case of children deregistered from school, perhaps those children’s experiences at school and the reasons they chose to leave could serve to help improve the school environment for children.

4.7 – There were, of course, some contrary views to those summarised above, from local authorities (considered later) and others. The National Association of Schoolmasters/Union of Women Teachers (NASUWT) in its response to the call for evidence, was quite clear in its opposition to the whole basis of elective home education as currently defined:

Opinions on EHE by Teachers and professionals in school settings are irrelevant as they do not have, nor are they expected to have, any experience of EHE.

4.8 – The Education Division of the Church of England states its concern:

“ that children and young people not in formal education are missing the benefits and challenges of learning in community with their peers. Children who do not go to school may not experience the social and cultural diversity encountered there”. And “Spiritual well-being depends on living and taking a full part in community life”.

As already outlined by the review in 1.3 the home educating community is an extremely diverse one that has a lively support network. Families are educating their children in and as part of the wider community rather than separating them away from the community in an institution that has a narrow age band. The “rough and tumble of life” that is found in schools, is only found in schools and does not represent the truly diverse community that we live in as a society as a whole, where all different age groups, social and cultural groups mix in a variety of contexts.

Restricting a child’s experiences to spend much of their time only with children of the same age, led by an authoritarian adult does not best equip a child to understand the complexities of engaging within a community as a whole. The Education Division of the Church of England again does not have any experience of EHE and so their views are of little value in this review.

5.2 - That said, I have been greatly impressed in my visits and conversations with local authorities by what has been achieved through partnership and the fostering of good relationships. Partnership not just with home educating parents and children but also with other agencies. This partnership approach strengthens the local authority’s support to home educators and increases their knowledge of the progress and wellbeing of the child or children.

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The following case studies demonstrate the commitment and ingenuity of local authorities. This list is by no means exhaustive. Implicit within the following examples is the importance of mutual respect, regular information and the celebration of the achievements of many home educated children.

The above exemplifications of good practice are in total accord with the demands and recommendations of The Children's Plan and fit well with the developments of Children's Trusts. However such practice must not be left to chance.

This demonstrates that indeed the current laws and guideline for EHE are adequate and that a positive way forward can be found under them. LAs that have not demonstrated good practice therefore simply need the appropriate training in understanding their current powers and in understanding the home educating community. It is disrespectful and devaluing to write off these models as "chance", they have come about from hard work by both LAs and home educators. With these recognised models in place, they should form the basis of training for other LAs less efficient in supporting EHE.

At the Home Education Centre we have worked with the Somerset Local Authority to establish a model of good practice. Having now established a positive relationship, other LAs and home education groups are coming to us for advice and to learn how they might take this model and make it work for them. This is all happening under the current framework and is truly positive as it is not coercive and the balance of power favours neither the LA nor the home educator. The proposed recommendations will shift this balance of power in favour of the LAs and home educators will feel less confident in dealing with them.

Recommendation 5

That the DCSF should bring forward proposals requiring all local authorities to report to the Children's Trust Board making clear how it intends to monitor and support children and young people being educated at home, in accord with Recommendation 1.

Recommendation 1 along with 5; compulsory registration combined with LA proposals for monitoring and support will shift the balance of power to the LAs giving them a vehicle to dictate the educational provision they deem to be appropriate, rather than supporting the parents in their chosen approach. Any changes along these lines will erode the parents rights of responsibility for their children's education, cause mistrust of the LA by parents and be counterproductive when it comes to developing any positive working relationships.

Recommendation 6

That local authorities should, where appropriate, commission the monitoring and support of home education through the local Children's Trust Board, thereby securing a multidisciplinary approach and the likely use of expertise from other agencies and organisations, including the voluntary sector.

Again the LA should not be deciding what monitoring or support of home education is needed, rather each local authority should listen to the needs of their local EHE community and support them in a manner so requested.

Recommendation 7

The DCSF should bring forward proposals to change the current regulatory and statutory basis to ensure that in monitoring the efficiency and suitability of elective home education:

By giving LAs powers to monitor "efficiency" and "suitability" of EHE then the burden of responsibility for the child's education is being shifted away from the parent and placed on the state. The national Children's plan clearly states it is "Parents not Government that bring up children". It is for the parent to decide what is suitable for their child.

■ ■ That designated local authority officers should:

- have the right of access to the home;
- have the right to speak with each child alone if deemed appropriate or, if a child is particularly vulnerable or has particular communication needs, in the company of a trusted person who is not the home educator or the parent/carer.



Home Education Centre

These recommendations give LA officers more powers than the police force and challenge our country's very basis in law and well established procedures of due process that protect people's civil liberties and rights. Police cannot randomly (or with 2 weeks notice) enter somebody's home on the premise that they fall into a demographic group mostly likely to be committing an offence. Incidentally there is no research to suggest that home educators are more likely to neglect or abuse their children, nor indeed to take any less interest in their child's education. In fact the contrary has shown to be true, that the majority of home educating families are dedicated to ensuring their children's emotional, physical and educational well being.

For a more detailed analysis of Recommendation 7, see main letter that precedes these notes.

Recommendation 8

That reasonable warning of intended visit and invitation to exhibit should be given to home educators, parents and carers, not less than two weeks in advance. A written report of each visit must be filed within 21 days and copied to the home educating parent and child. A suitable process for factual correction and challenge to the content must be in place and made known to all parties.

5.6 – Developing this new regime of monitoring and support will not be easy and will require a range of skills and understanding. The commissioning of services through the Children's Trust will bring new professional disciplines to bear in some cases and crucially, bring about third sector engagement, particularly in support of home educated children and young people who have special educational needs. Nevertheless training will be necessary not least to dispel the firmly held conviction amongst many home educators that current monitoring arrangements are too often framed from a schooling perspective.

The amount of time and money that would be needed to train and give experience to all the range of children's services that would form part of the local authority's monitoring of home educators would be difficult to appropriate. Spending large sums of tax payers money on a small minority of people for a 'service' that is not wanted by the community that it sets out to serve would not be well supported. If these recommendations are approved, what will likely be left is a whole set of new very prescriptive conditions imposed on home educators with poorly informed LA officers making misinformed decisions.

Recommendation 9

That all local authority officers and others engaged in the monitoring and support of elective home education must be suitably trained. This training must include awareness of safeguarding issues and a full understanding of the essential difference, variation and diversity in home education practice, as compared to schools. Wherever possible and appropriate, representatives of the home educating community should be involved in the development and/or provision of such training. It is recommended that all officers be trained in the use of the Common Assessment Framework.

5.7 – The good practice referred to earlier is illustrative of the attempts of many authorities to extend a range of opportunities to young people educated at home but again the picture is not universal. Many home educating parents, for reasons outlined earlier, having rejected the schooling system, do not re-engage for fear of further requirements or restrictions, yet they remain tax payers who contribute to the education system in the normal way. Many simply accept that "that's the way it is" but it seems to me perverse to articulate concern about thousands of young people yet cut them off from services that would be rightfully theirs if they attended school. I shall return to this issue in the final section of this report. In the responses from home educating parents, there was no overall consensus as to the support they would like or seek but there was almost universal support for free access to the public examination system. I believe this to be fair and arguably a natural extension of the state's desire to secure appropriate outcomes for young people.

See above notes for recommendations 8 and 6. Apart from the almost universal support for the option to freely access the examination system, this illustrates the very fundamental ethos of home education that there is no one size fits all support for home education as there is in schools, because each and every family has their own personalised approach, as is their right.



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The best practice that LAs can offer is what we have found in Somerset, that is to listen to the local community's needs and respond by trying to best fulfil the requests made. Some families will need very little support, others will seek out more support from the LA if they feel they are not being dictated to. As tax payers, EHE families should indeed be entitled to services and support that is afforded to children who attend state schools, but they should be presented as options and under no circumstances should families feel pressured or obliged to accept such offers of support.

Recommendation 10

That all local authorities should offer a menu of support to home educating families in accord with the requirements placed upon them by the power of wellbeing, extended schools and community engagement and other legislation. To that end local authorities must provide support for home educating children and young people to find appropriate examination centres and provide entries free to all home educated candidates who have demonstrated sufficiently their preparedness through routine monitoring, for all DCSF funded qualifications.

and

Recommendation 11

That in addition to Recommendation 10 above, local authorities should, in collaboration with schools and colleges:

- ■ Extend and make available the opportunities of flexi-schooling.
- ■ Extend access to school libraries, sports facilities, school visits, specialist facilities and key stage assessment.
- ■ Provide access to specialist music tuition on the same cost basis.
- ■ Provide access to work experience.
- ■ Provide access to post 14 vocational opportunities.
- ■ Signpost to third sector support where they have specialist experience and knowledge, for example, provision for bullied children.

Local Authorities should have a way of demonstrating the ways in which they may be able to support home educating families. Also it is not unreasonable to expect LAs to be able to monitor the progress of older children who intend to take exams for which the DCSF is proposing funding for. This can all be attained following the North Yorkshire model of having drop-in centres. LAs would not then need to carry out the many intrusive, unwanted, unnecessary home visits at great expense to the tax payer.

LA education advisory services should be like local GPs. Families go to GP surgeries when they need support and advice, not when the GP thinks they should attend. GPs do not routinely check their patients by way of house visits to monitor their well being and check to see if they are following the recommended healthy living guidelines. Despite evidence and guidelines on health and well being, individuals are entitled to smoke, be vegetarian, eat junk food, take as much or as little exercise as they see fit, etc. Whilst LAs may not agree with individuals' choices, they are the individuals' legal right.

The recommendations in this review have wider implications to the rights of individuals to live their lives as they so chose within our well established legal framework.

Recommendation 12

- ■ BECTA considers the needs of the home educating community in the national roll out of the home access initiative.
- ■ That local authorities consider what support and access to ICT facilities could be given to home educated children and young people through the existing school networks and the use of school based materials.
- ■ That the QCA should consider the use of ICT in the testing and exam process with regard to its impact on home educated children and young people.

Although it is good to have as many options as possible available to EHE families, any offers made should be unconditional. If a family decides that the "school based" ICT facilities and materials are inappropriate for their chosen educational philosophy and provision, then the family's refusal of such an offer should not be judged negatively.



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5.9 – As I trust the foregoing makes clear, I believe that local authorities have a vital role in supporting elective home education and by so doing, assuring themselves of the attainments of the many young people so educated. From my analysis of their responses, visits and discussions I am confident of their ability to rise to the challenges implicit within this report. Nevertheless in pursuit of more uniform provision and action I recommend the following:

Parents are responsible for the children's attainments not the LAs.

Recommendation 13

That local authority provision in regard to elective home education is brought into the scope of Ofsted's assessment of children's services within the Comprehensive Area Assessment through information included in the National Indicator Set (Recommendation 25), the annual Local Safeguarding Children Board report (Recommendation 21) and any other relevant information available to inspectors.

Although it seems good practice for the LA officers to be assessed by Ofsted, in reality this will lead to more tick-box formulaic approaches (or as it says in 5.9 "uniform approach") to the support offered to EHE. Already so often in schools, we see teachers and staff spending significant amounts of their time preparing for Ofsted visits, complaining that the National Curriculum is too restrictive and that SATs preparations take up too much time and cause stress. All of these things put too much pressure on teaching staff and takes away valuable teaching time. If LA officers are put under this much pressure, they in turn will pressurise EHE families to conform to particular educational and welfare approaches that are inappropriate and intrusive to individual family lives.

6.1 – It is a matter of some concern that despite a number of research studies and reports, it was not possible to identify with any degree of accuracy the number of children and young people currently educated at home. Our own data concurred with the DfES (2007) report, that there are around 20,000 children and young people currently registered with local authorities. We know that to be an underestimate and agree it is likely to be double that figure, if not more, possibly up to 80,000 children. I have no doubt that the vast majority of these children and young people are safe and well but, that may not be true for all.

Legislation cannot be changed on the basis of something that may or may not be true, without evidence. Also it is a regrettable fact that no amount of legislation will protect all children from the possibility of harm. Indeed many children at risk attend school where they are "seen" and there are many protection policies in place, but sadly cases are still missed. Simply forcing all home educators to register and be "monitored" will not ensure that all children are safe from harm, but it may cause significant distress and frustration to caring families.

Recommendation 15

That the DCSF take such action as necessary to prevent schools or local authorities advising parents to consider home education to prevent permanent exclusion or using such a mechanism to deal with educational or behavioural issues.

Parents should never feel that they have been forced into home education. However, parents should always be advised that EHE is an alternative option to school, as quite often educational or behavioural issues can be improved by choosing to home educate. We have many parents at the Home Education Centre, that say they wish they had chosen to EHE earlier, but that they did not know it was an option.

7.1 – In formulating a response to the evidence submitted to this inquiry I have tried to retain in the forefront of my mind the particular issues that relate to those young people educated at home with special educational needs (SEN). For although as a group they simply form part of the cohort of those educated at home and should be covered by the generality of regulation, I am quite clear that their support and monitoring from local authorities or other agencies should be significantly different. The evidence offered is punctuated by very convincing case studies of hardship, anxiety and misunderstanding that would confirm the research evidence that many parents whose children have needs as diverse as dyslexia and autism, withdrew their child often in despair that their needs were not being adequately met in school. In such instances, it is often a case of 'home education by default' rather than 'elective home education'



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Parents who withdraw their children from school due to their SEN not being adequately met, should not have their decision to EHE be presented as of less value, just because it came about from a negative experience at school. Again many of our home educating parents of SEN children at our group, although starting out as a response to a negative experience at school, feel that it was the best decision for their child educationally and regards their well being and wished that they had known about the option earlier.

7.2 - Evidence submitted to this review by the National Autistic Society, Autism in Mind and particularly the Independent Panel for Special Educational Advice (IPSEA), all raise searching questions about the quality of support that follows a child into elective home education, and the methodology by which that support is offered. Similar points are made by individual parents, some of whom seek no help from the local authority even when their child has a statement of special educational needs. Many point to the need for greater sensitivity in intervention, indeed some are fearful that the act of monitoring would in itself be damaging to the child.

Much of the assistance offered to families is more of the same, as that which was offered in the school setting. This approach, which was not working in school for the child, is likely to be even more ineffective for a home based setting. More training is needed for professionals who have contact with SEN children who are being home educated.

7.4 – They also express concern about the amount of time a child may be ‘in limbo’ awaiting a new assessment or out of school pending a First-Tier Tribunal (Special Educational Needs and Disability). Almost all of the evidence submitted to the review around special needs points to the need for constructive relationships and adequate training of local authority staff. In line with the approach outlined in Recommendation 6, local authorities could commission new, independent experts and existing third sector organisations to support and monitor children with special educational needs who are educated at home, and meet the proposed duty of the local authority to monitor the elective home education, and in some cases, the statement of SEN. IPSEA endorse this approach.

As with all EHE children, SEN or not. Drop-in centres could be established for parents to access as and when they need advice and support, without the possible distressful situation of being obliged to accept a home visit. See previous notes.

7.5 – That being said I also believe that immediate action should be taken both to regularise the current position, ensure that local authorities meet their obligation to monitor statements of special educational needs and secure adequate resources and support for the child. To that end I recommend:

Statements of special educational needs are only applicable to school settings where the state is charged with providing an education for the child at the parents request. Once the child is deregistered and is being home educated the LA has been relieved of it's duty. Once EHE, if the parents require advice and support with regards their child's SEN then they should be able to access something like the drop-in centre as mentioned previously.

Recommendation 18

That the DCSF should reinforce in guidance to local authorities the requirement to exercise their statutory duty to assure themselves that education is suitable and meets the child's special educational needs. They should regard the move to home education as a trigger to conduct a review and satisfy themselves that the potentially changed complexity of education provided at home, still constitutes a suitable education. The statement should then be revised accordingly to set out that the parent has made their own arrangements under section 7 of the Education Act 1996.

As with the concerns of recommendation 7: By giving LAs powers to monitor “efficiency” and “suitability” of EHE then the burden of responsibility for the child's education is being shifted away from the parent and placed on the State. The National Children's Plan clearly states it is “Parents not Government that bring up children”. It is for the parent to decide what is suitable for their child even in the case of a SEN child.



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Recommendation 20

When a child or young person without a statement of special educational needs has been in receipt of School Action Plus support, local authorities and other agencies should give due consideration to whether that support should continue once the child is educated at home – irrespective of whether or not such consideration requires a new commissioning of service.

As with all support offered by the LA, families should not feel obliged to accept it if they feel it is inappropriate for their home based setting. Again a family's refusal of such an offer should not automatically be judged negatively.

8.1 - Of all the matters considered during the course of this inquiry the question of safeguarding electively home educated children has prompted the most vociferous response. Many parents have expressed anger and outrage that it was suggested that elective home education could be used as a cover for abuse. They have not been slow to point out that the most dangerous and damaging abuse of children is often before statutory school age or where children have been withdrawn from school or are already known to children's social care.

Although it has been mentioned that children under five could be at risk of abuse, no further reference is made to this situation in the report. Does this mean that either Mr Badman does not believe that under fives are at risk from their parents, but suddenly a risk occurs when they reach statutory school age? Or does Mr Badman believe that to instigate legislation to inspect every family home in the country which has under fives is morally and ethically wrong, too expensive, intrusive, infringes on our rights to privacy and goes against the Bill of human rights and the Convention on the Rights of the Child? If it is the first supposition, then that is ridiculous. If it the second, then the same considerations apply to EHE families.

8.5 – Some home educators have access to support and guidance from their organisations on recognising and dealing with child protection and many in conversation stressed to me the importance of their informal networks and knowledge of their own community. I am not persuaded that, although laudable, this is sufficient. Apart from which, on the basis of local authority responses to my questionnaire, there are many children likely to be unknown to the authorities or engaged in such networks. The process of registration recommended earlier should address this issue.

Indeed there are many EHE families unknown to the LAs, but it cannot be simply extrapolated that these families are also not engaged with EHE networks. If EHE families are asked about other EHE families they know, in our experience about half are 'unknowns', yet these families are part of very active groups and networks. Concerns over safe-guarding home educated children stems from the ill-conceived perception that HE families live like hermits and their children are never 'seen'. Registration simply serves to locate EHE children, it does nothing to protect them. Location of under fives is known to LAs through Health visitors and Child Benefit records, but this does nothing to protect them from potential abuse.

8.6 – The NSPCC is quite clear in its response in seeking a registration scheme and changed guidance.

Although the NSPCC note that there maybe a case for a potential situation of risk for children not 'seen', observation and research shows that in fact there is no evidence to suggest that this is the case. Mr Badman failed to report that in fact the NSPCC sent a letter of apology to Education Otherwise which stated that "*We wish to make no inference about any connection between home education and abuse*" (a copy of the letter is included). Again it is just supposition based on the perpetuated perception that EHE families keep their children at home away from the wider community. The Government cannot simply change legislation that will affect thousands of children to accommodate an unfounded notion that one or two children *may* be at risk.

The ability to see a child under s47 of the Children Act 1989 along with the powers LAs already have with regards to EHE are sufficient in safe-guarding children. If there have been any failings resulting in a child coming to harm, this is not because of insufficient laws, but rather insufficient training or handling of the cases.



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8.9 - Her Majesty's Chief Inspector (HMCI), in her submission, makes it clear that irrespective of the number of cases, change in regulation is necessary, furthermore that there is an unacceptable variation in the practice of local authorities and Local Safeguarding Children Boards (LSCB):

... "Schools have an important responsibility to monitor children's safety and welfare but this safety net is missing for children educated at home. In addition, children who are educated at home may have less access to trusted adults who they can turn to if they are concerned about their home circumstances."

How has the schools' "safety net" monitored children's welfare with regards to the ubiquitous bullying that goes on in schools, which must be responsible in part for the estimated 63,000 truants every day. Further in 2007 a NHS Statistics report included in the report by the Information Centre for Health and Social Care, showed that 4,241 children under 14 were admitted to hospitals in England in the 12 months to March 2007 after attempting to kill themselves. It was reported in the press that the "number of suicide attempts, which has risen slightly in the past five years, worried ministers, who were aware that secondary school teachers and family doctors are increasingly seeing children, particularly young boys, in states of distress without being able to offer a specialised support service". The schools' safety net failed to prevent harm coming to these children and many like them.

It is an unsubstantiated claim to suggest that "children who are educated at home may have less access to trusted adults who they can turn to if they are concerned about their home circumstances".

8.10– Ofsted go on to report findings from a small study they conducted in 2008 into the effectiveness of local authority policies to manage the risks to children who are not attending school nor receiving education elsewhere.

... "Children who are educated at home but are not known to the local authority may be more likely to be at risk."...

Again unsubstantiated supposition.

Recommendation 21

That the Children's Trust Board ensures that the Local Safeguarding Children Board (LSCB) reports to them on an annual basis with regard to the safeguarding provision and actions taken in relation to home educated children. This report shall also be sent to the National Safeguarding Delivery Unit. Such information should be categorised thereby avoiding current speculation with regard to the prevalence of child protection concerns amongst home educated children which may well be exaggerated. This information should contribute to and be contained within the National Annual Report.

Unfortunately many of the home educated children who are on the Children's Social Care Register are classified as being at risk simply through not agreeing to home visits by the LA or because they have been referred by lead health professionals that are poorly trained in supporting with home educated children. A report at this stage containing children that present child protection concerns could still paint an exaggerated picture of its prevalence within EHE.

8.12 – To return to the two questions posed earlier. First, on the basis of local authority evidence and case studies presented, even acknowledging the variation between authorities, the number of children known to children's social care in some local authorities is disproportionately high relative to the size of their home educating population.

Secondly, despite the small number of serious case reviews where home education was a feature, the consideration of these reviews and the data outlined above, suggests that those engaged in the support and monitoring of home education should be alert to the potential additional risk to children. So saying is not to suggest that there is a causal or determining relationship, but simply an indication of the need for appropriately trained and knowledgeable personnel. To that end, I recommend:

An observation that children known to children's social care is disproportionately high relative to the size of the home educating population is invalid as the actual numbers of EHE children is unknown.



Home Education Centre

8.13 – Local authorities have a general duty, when carrying out functions in the education context, to safeguard and promote the welfare of children (section 175 Education Act 2002). Provision for the protection of children is contained in the Children Act 1989 and includes provision that local authorities have a duty to investigate where they have reasonable cause to suspect that a child in their area is suffering or is likely to suffer significant harm. Whether a child may or may not have already come to the attention of the local authority because of safeguarding concerns, I believe it is of crucial importance in any registration scheme to give the local authority a discretion to prevent a child being electively home educated for safeguarding reasons. I therefore recommend:

This statement is far too subjective and open to abuse by LAs who do not fully understand the diversity of EHE communities. Giving LA discretion to prevent a child becoming or remaining EHE on grounds of safe-guarding issues is unacceptable for reasons stated previously, most notably with regards to recommendation 23.

Recommendation 24

That the DCSF make such change as is necessary to the legislative framework to enable local authorities to refuse registration on safeguarding grounds. In addition, local authorities should have the right to revoke registration should safeguarding concerns become apparent.

To give LAs powers to refuse families the right to home educate on safe-guarding grounds, permits laws that reverse the assumption of innocence. However, this is so seriously in conflict with the basis of English law that parliaments should be very careful to avoid this kind of action except when there are very grave reasons for it. And then, if these laws are permitted there must be appropriately strong counterbalancing measures (automatic judicial review, appeal etc.) to prevent abuse of these exceptional powers by officials. Mr Badman has not provided any evidence that such grave reasons exist to make such extreme changes to the law.

Recommendation 28

That the DCSF and the Local Government Association determine within three months how to provide to local authorities sufficient resources to secure the recommendations in this report.

The consultation: Home Education - registration and monitoring proposals. Seeks to ascertain the views of the many stakeholders concerned about the proposals in this review. The closing date for the consultation is 19th October 2009. Therefore it would be inappropriate to rush ahead with any of the review's recommendations before the results of this consultation are analysed.

Yours sincerely,

Zena Hodgson & Emma Dunn
Home Education Centre Management Committee