

Written evidence submitted by Ms Ann Charles

Education Select Committee - Home

Education – November 2020

Introduction & overview

I am 37 years old and have never been to school. I am proud to be a member of the home-educating community and have supported thousands (if not tens of thousands) of families from all backgrounds over the last three decades.

I am passionate about home-education and want to ensure the right to choose an education which is directed by the child's needs is retained. Our family was not known to the LEA¹ (as they were then called), and I want the same opportunity to be able to raise children in peace to be afforded to the next generation.

There seems to be an increasingly hostile environment towards elective home-educators. Many are persecuted and both systemically and systematically discriminated against by Local Authorities (LAs), their former schools (if they attended), and wider society. I do not use these terms lightly.

Local authorities routinely lie to families, have misleading or inaccurate information on their websites², have staff who are untrained in home-education or actively hostile to it, and have to read a barrage of media stories spreading false information about home-educators – often whipped up by the likes of the Children's Commissioner for England, whose grasp of the issues surrounding home-education are either embarrassingly woeful or deliberately misleading, depending on your point of view.

¹ Local Education Authority, now LA (Local Authority).

² A recent survey conducted by Education Otherwise volunteers showed a mere 20 Local Authorities with legally-accurate information on their web pages.

I am also fed up with the way that experienced home-educators are ignored when it comes to matters of education policy. There is a misnomer that – somehow – schools and Local Authorities are the ‘experts’ when it comes to home-education. They are not. Government should be listening to experienced home-educators and understand that **we** are the experts in home-education.

In addition, we bring a wider perspective on education as a whole and it would be worth listening to our experience. For example, during the pandemic, elective home-educators have been supporting thousands of families who normally use school but were at home due to lockdown. We could see the issues that many of these families faced – e.g. those who had been shielding were understandably nervous about returning to school and wished to have some flexibility from the authorities to continue with some remote learning. Home-educating organisations repeatedly raised the issue in the media and with the DfE and asked for fines under s. 444 Education Act (1996) to be disapplied in England, as they have been in Wales, as otherwise we predicted many families would be forced to deregister.

Our advice went unheeded and now it appears that the HE community is being punished by having to endure yet another review into whether or not the State should be monitoring and registering us (short answer: absolutely not), as a seeming diversion tactic away from fixing the underlying issues of schools which are underfunded, lack provision for children with SEND, have endemic bullying, or treat children and families in ways which lack compassion (or are cruel – e.g. Academies’ use of isolation booths³).

Home-education should not be viewed as a problem but rather a positive and fulfilling option which families may choose for some or all of their children’s educational journeys.

³ E.g. <https://www.mind.org.uk/news-campaigns/legal-news/legal-newsletter-march-2019/court-challenge-to-use-of-isolation-booths-for-disruptive-pupils/>

In summary: Home-education is a positive choice, home-educators are the experts in home-education, Local Authorities routinely operate ultra vires and waste vast sums of taxpayer money to harass law-abiding families, and introducing registration and monitoring will have the effect of changing the balance of power between families and the State, lead to a reduction in educational choice and freedom, have extra costs with no evidence of benefit, and mean that the UK loses its position as a world-leader in home-education.

I shall now address the points raised in your headings, although I would like to note that some of them show a lack of understanding of what home-education is to begin with, which is worrying for a Committee Inquiry of this nature.

The Committee invites written submissions addressing any or all of the following points:

- The duties of local authorities with regards to home education, including safeguarding and assuring the quality of home education;

s.7 of the Education Act (1996) places the duty of ensuring an education suitable to age, ability and aptitude (and to any special needs a child may have) on the parents. This duty applies to all parents. It is perfectly possible for a parent to send their child to school and be breaking the law if the education the child receives there is not suitable (and the parent makes no attempt to top it up or counterbalance it in any way).

In the UK, we operate on the basis that people are presumed innocent until proven guilty. We should assume that parents are fulfilling their duties under s.7 unless there is reasonable evidence or suspicion that they are not.

If it appears to the Local Authority that a parent is not fulfilling their duties under s.7, then s.437 of the same Act allows them to intervene and either find out more, or enact court proceedings to force a child back into school.

In this way, there is an appropriate balance of power between the family and the State, as the State only intervenes when 'it appears' that no education is taking place.

Home-education is **not** a safeguarding risk (DfE Elective Home Education Guidance for Local Authorities - April 2019, 7.3). Safeguarding and welfare are the remit of Social Services, and is not in the scope of the LA⁴, apart from the normal requirements council staff have to any child (no matter where educated) to make the appropriate referrals if there is a genuine safeguarding concern.

Home-educated children are less likely than the school-going population to be at risk (Charles-Warner (2015), Home Education and the Safeguarding Myth: Analysing the Facts Behind the Rhetoric. Available at:

<http://www.home-education.org.uk/articles/article-safeguarding-myth.pdf>).

The problem comes because most Local Authorities do not follow the law, conflate education and welfare and overstep their legal boundaries instead of following the entirely adequate law which already exists.

It's also important to note that the LA has not duty to 'assess' home-education. That is quite clearly the duty of the parent, as the parent is best placed to know the individual child and to be able to tailor provision of their education in order to meet their duties under s.7.

Changing this would mean that the State suddenly had responsibility for an individual child's education over and above that of the parent, which is not something considered acceptable in free societies.

⁴ I am using the term LA as a shorthand for the Local Authority Education Department in this document.

It would also leave the State open to being sued if the education it provided to a child was not suitable.

With so many children attending schools considered 'failing' by Ofsted (200,000 of whom are in schools which have failed for years⁵), this is a risk a sensible government is unlikely to want to accept!

- whether a statutory register of home-educated children is required;

Absolutely not.

School is a free, optional, opt-in service. Home-education is the default.

The idea of a national identity card scheme has been rejected in the UK, and it should not be brought in by stealth.

The idea of adding a law-abiding section of the community to a register purely on the basis of their philosophical beliefs is as offensive as it is abhorrent.

Never mind the Human Rights implications and the terrifying precedent it sets for other minority groups should a more right-wing administration come into power – under GDPR, data collected must have a purpose.

What is the purpose of a register? The suspicion is that the data will be used in order to bring in inspection and monitoring of families.

⁵ <https://www.theguardian.com/education/2020/jan/08/ofsted-report-says-200000-pupils-stuck-in-low-achieving-schools>

As discussed above, this means that the government considers all parents to be incapable by default, that the State is the primary parent and responsible for education, and that there is enough money to make whatever the resulting inspection system is work.

It would also lead – inevitably – to the National Curriculum becoming mandatory for all, which has worrying implications for future generations in terms of lack of choice of learning styles, the content that would be ‘taught’ and the likelihood that learning in a more ‘autonomous’ style would become impossible due to the strictures of meeting inspection requirements.

This makes educational choices across the country worse, not better.

As someone who was home-educated, I can assure the committee that the thought of having an inspector involved in our lives would have been detrimental to our family life, and would have affected my parents’ ability to feel able to follow their children’s lead, as the thought of an ‘inspection’ hanging over them would naturally have affected the way in which we were taught.

It would also impact on my ability to raise any of my own children in the way that I know works based. Home education is a strong part of my cultural identity and I want my own family to have the freedom and educational choices (particularly that of autonomous⁶ education) and opportunities which I had.

Instead of harassing law-abiding families, the money could be better spent on improving the provision for SEND requirements for those who choose to use schools.

It is, frankly, astonishing that any British government would consider the idea that any law-abiding citizen in a minority group should be put on a register.

⁶ Known as ‘unschooling’ in America.

- the benefits children gain from home education, and the potential disadvantages they may face;

As someone who has been home-educated her whole life, I can assure you, hand-on-heart, that there are no disadvantages to children from being home-educated.

There is a huge power for a child in knowing they have a choice about how they learn. School was always there as an option, but I never needed it. I was having far too much fun.

I had friends from a huge variety of ages and social backgrounds. As an adult, I can see how much broader the social experience of most home-educated children is compared with our school-going contemporaries.

I was able to learn from life and to follow my own curiosity and interests. This meant I was able to pursue my passions, and had a head-start when it came to starting my career.

I chose to take public examinations, but was able to spread them out over a number of years so that they didn't take over the rest of my life – and again, knowing that taking the exams was a choice I had made put me at a huge emotional advantage over friends being forced into taking huge quantities of exams and buckling under the pressure from parents and teachers.

In terms of disadvantages, the main ones are systemic discrimination. I spend hours each week supporting home-educating families and witness shocking and vile behaviour from Local Authorities daily, and equally appalling and discriminatory behaviour from Social Services, the NHS and sometimes the police weekly-monthly.

A few illustrations from the top of my head of incidents in the last few weeks:

- Blackpool council advertised for a new Home Education officer. They listed qualifications required as being a qualified teacher (how is that relevant to HE?) and also included a line that the new officer's role would include *a target to reduce the number of home-educated children in the area*. How can any family have trust in this official if wiping out the home-educating community is part of their stated job aims? Note that experience of being home-educated or home-educating is never asked for on job advertisements of this nature...
- We have had a lot of new families home-educating as a result of the pandemic. LA letters to them usually mis-state the law. Families have been 'doorstepped' by officials, had officers trespassing on their property, sending texts, or making phone calls out of the blue, even when they have been requested to keep all correspondence in writing.
- Schools have refused to deregister (remove children from their roll) when instructed. They usually delay by a few days, and several appear to have deliberately waited to remove the child's name until after the school census payments were made (some LAs colluded in this). Not removing a child's name immediately on instruction is illegal (Education (Pupil Registration) (England) Regulations 2006 section 8(1)(d)), and claiming money for a child no-longer on the school roll is fraud. This waste of taxpayers' money is serious and yet never seems to be investigated or prosecuted.
- Schools who are offended at the idea a family might prefer home-education routinely make malicious referrals to Social Services. This not only wastes the time of the SS team, but also causes a huge amount of stress for the family at the receiving end. Schools with genuine safeguarding concerns report issues straight away – not as a 'punishment' when a family decides they would like to home-educate.
- NHS staff routinely ask for a child's school and then illegally share data with the Local Authority if a child is home-educated. Some consultants will report families to the LA or Social Services without cause, merely because the consultant does not agree with home education. Midwives and Health Visitors

frequently report older children who are home-educated to the Local Authority when they make medical visits for younger children as part of the normal course of their work (this is all without there being any legal reason for the report to be made, such as a genuine concern that no education is taking place). The illegal data sharing means that families become wary of accessing NHS care when it is needed, as they feel that some NHS staff cannot be trusted.

- The head of Ofsted has said parents are deregistering because they are believing social media myths about Covid-19⁷. This is highly offensive, and does not bear any relation to my experience of supporting thousands of families during this time (families are deregistering either because they realised that their children were so much happier during lockdown and used lockdown as a 'trial run' to home-ed, or because they have a family member with severe health issues and the government decision in England to re-introduce fines has meant they felt no other choice. It is disrespectful to both groups to suggest that these caring families are being swayed by some inaccurate memes rather than the government's own campaigns.)
- A family had their door kicked in by the police due to a misuse of the 'welfare check' power police have. (We see 1-2 misuses of 'welfare checks' a month, often as a result of malicious or inaccurate information being supplied by the LA or SS, and usually in combination with the family being Muslim, Black, a single parent family or all three.)
- Prior to Covid-19, a LA official stalked a home-ed group and watched their activities on multiple occasions, including at a public swimming baths, before being challenged by the families involved.
- There are stories at least monthly of EHE officers trespassing on private property. Recent behaviour includes an officer peering through the windows of

⁷ <https://www.theguardian.com/education/2020/sep/30/rise-in-home-schooling-is-partly-down-to-misinformation-says-ofsted-chief>

a family home while the family was out (all captured on their CCTV) and an officer in another part of the country breaking into a boatyard and boarding the vessel while the family was away.

- EHE officers often mislead families into thinking they are from Social Services to gain entry to family homes under false pretences (I have seen two examples of this in this week alone.)

I could go on and on⁸. The illegal, discriminatory and ultra vires activity by Local Authorities and others in positions of authority in regards to elective home-education are constant and a disgrace.

- the quality and accessibility of support (including financial support) available for home educators and their children, including those with special educational needs, disabilities, mental health issues, or caring responsibilities, and those making the transition to further and higher education;

There is no financial support available for home-educators. Many of us do not want that, as it would come with strings attached.

Children with SEND should still be entitled to the non-education sections of the EHCP if they have one (elective home-education is different from EOTAS, where the LA pays but home is named as the location of the provision.)

One thing which would be useful is if each LA was made to make at least one exam centre available for both the June and November rounds of exams. This should have

⁸ I am talking at a high level because I don't wish to break any confidences of the families I have supported over the years.

no limitation on age (HE children often spread exams out) and would also be helpful for other private candidates – e.g. those doing Adult Education courses. It should not be difficult for LAs to do this (they could stipulate that all schools in the area must accept private candidates, for example). However, accessing such centres should not be reliant on being on a register or having homes inspected – it should merely be a public service to which any resident has access as part of the provision made by their council tax money.

- whether the current regulatory framework is sufficient to ensure that the wellbeing and academic achievement of home educated children is safeguarded, including where they may attend unregistered schools, have been formally excluded from school, or have been subject to ‘off-rolling’;

This question is rather confused.

The regulatory framework is adequate – the problem comes when it is not followed, or one council department oversteps its remit and causes confusion (e.g. education departments trying to do the work of social services, or vice-versa).

The current balance of the law is fine – the issues come when council officials are not trained in the law, or choose to disregard it and operate ultra vires.

The wellbeing of children is a parental duty. Academic achievement comes under education, which is a parental duty (although not all children are ‘academic’ and education comes in many forms.). Safeguarding is a parental duty.

Unregistered schools are not connected with home-education and are already illegal (the clue is in the name). Ofsted knows where most of these are and the issue is with the proprietor, not the parents.

Children who have been excluded are nothing to do with elective home-education. It is worrying you have conflated the two.

Off-rolling is not elective home-education. Off-rolling is illegal. This is an issue with schools (usually Academies who want to have high academic results for their league tables, so off-roll families who need extra support, or children with SEND.)

It is worrying that the Select Committee has conflated illegal schools, exclusions and off-rolling with elective home-education, as they are unrelated.

- the role that inspection should play in future regulation of home education;

There should be no 'inspection' or 'regulation' of home-education.

Home-education is the default choice for educating children in this country.

Schools are inspected so that parents are able to evaluate the school's provision and assess whether the school's provision is adequate to meet the parents own s.7 duties, and also because public money is involved and needs to be audited.

Families are private and it should be assumed that parents are law-abiding and caring unless there is evidence otherwise (this is what the law already states).

The idea that home-education needs 'regulating' is alarming and misses the point.

It's the equivalent of saying that parents need a licence to be allowed to parent, or that there should be a national inspection of every three year-old in the land!

You can easily see how ridiculous that is, as well as being a violation of Article 8 of the Human Rights Act.

- what improvements have been made to support home educators since the 2010-15 Education Committee published their report on 'Support for Home Education' in 2012; and

I would say the situation has got worse.

It is obvious that the current Select Committee has not read the 2012 report, because that report clearly states that registration and monitoring is unwarranted, and yet most of the questions in this 'consultation' are about that very topic.

LA officials are still untrained and many are actively hostile towards home-educators. We still have the likes of Ofsted and the Children's Commissioner spreading the idea that more people home-educating is somehow bad or a problem.

Home Ed departments have not been moved to the library service, as suggested.

Instead, officials are often from 'inclusion' teams, education welfare, or, in one advert – recruited from a probation service background!

The 'professional' organisation for home-educators has not really begun and did not involve the true experts – the home-educating community.

The DfE produced updated guidelines which have made things worse for home-educating families by reinterpreting s. 436a of the Education Act, and unleashed viler aspects of LA behaviour.

The fiasco over examinations for private candidates during the summer of 2020 shows that LAs and Ofqual are still not meeting the needs of home-educated children studying for exams.

In short, I cannot understand why you are launching a new inquiry into home-education which is full of loaded questions about registration and monitoring, instead of following up the 2012 report and asking hard questions about why the intolerable discrimination against home-educating families persists.

New people coming in due to Covid are shocked at the behaviour they see. We need to curtail the interference from the LAs as their actions are damaging children and families, not helping.

The patronising idea that newer families are somehow 'ill-equipped' or need 'intervention' automatically needs to stop (has any parent ever been interrogated by the authorities for putting their child's name on a school waiting list?)

And government needs to see home-education and the home-educating community as the positive force for good they are for education as a whole, not as a 'problem' or a group to wipe out.

- the impact COVID-19 has had on home educated children, and what additional measures might need to be taken in order to mitigate any negative impacts.'

Covid-19 has affected all families, whether their children go to school or not. Home-educating families adapted well during lockdown, as learning in any location is normal for HE folk. However, not being able to go to the usual home-ed meetups, see friends, do Brownies, drama clubs and so on is obviously difficult.

The Out Of School Settings guidance⁹ did have a paragraph on home education groups still being able to run, which was welcomed, but it was obvious that whoever

⁹ <https://www.gov.uk/government/publications/protective-measures-for-holiday-or-after-school-clubs-and-other-out-of-school-settings-for-children-during-the->

wrote it had no idea about home-education. It talked about 'classes' and 'leaders' and prohibited meeting on purely 'social' grounds. This shows ignorance of how home-education works, and put HE children at a disadvantage as some groups did not feel able to meet in the usual way (even though it could be argued that general exemptions to the lockdown rules for 'education' would apply to HEers anyway).

Another area of concern was the discrimination faced by 20,000 private candidates for exams, many of whom were electively-home educated. Their needs were ignored by Ofqual and the DfE, despite numerous home-education support organisations making contact and proposing viable alternative plans.

Jo Merrett's research¹⁰ gives very useful background on the effect this had on individual families, including losing access to other courses as a result of not having a grade issued, loss of eligibility for subsidised training places, as doing re-takes in a future year will mean those candidates do not qualify for funding on grounds of age, and that there are still families whose exam centre fees have not been refunded even though there was no exam for them to sit.

We also saw systemic discrimination of home-educating families when it came to the disapplication of s. 437 of the Education Act (1996), which refers to School Attendance Orders.

Whilst families with children who on the school role were deemed exempt from s. 437 under Schedules 16 and 17 of the Coronavirus Act (2020), a last-minute change to the legislation meant that these provisions were still in force for those who were electively-home educating.

[coronavirus-covid-19-outbreak/protective-measures-for-out-of-school-settings-during-the-coronavirus-covid-19-outbreak?fbclid=IwAR1Z20n3suNzy6O75jqt7Ji0ZA3ckxcrZLyqHQFI5TGLBFCYgEqvQvSIQQA#who-is-this-guidance-for](https://committees.parliament.uk/writtenevidence/9204/pdf)

¹⁰ Merrett, J. Richards, M., Mountford-Zimdars, A. (2020) Technical report submitted to the Education Committee. Available at: <https://committees.parliament.uk/writtenevidence/9204/pdf>

In addition, vast numbers of LA Education officers being at home and unable to deal with school matters meant that there was an upsurge in the demands for information being issued to electively home-educating families. This was a noticeable trend in all the support groups I am involved with – families who had not had any contact from the LA for years were suddenly being called out of the blue, with some councils even demanding home visits (not legally required) in the midst of lockdown!

In contrast, I am aware of zero families on a school roll of whom enquiries were made, even though there would be clear reason for the LA to make an enquiry about the parents' educational provision during this time.

This is a clear illustration of the imbalance in the way home-educating and school-educated families have been treated during lockdown.

We have also seen an increase in the number of families deregistering from school during the pandemic. I am an admin of a support group helping parents during lockdown, and we have seen the deregistrations fall into two categories:

- 1) Families who enjoyed lockdown learning so much that taking the leap into EHE was a joyful decision
and
- 2) Families who have members who are vulnerable to Covid-19.

The latter group members have often asked schools repeatedly for leniency with fines and would have accepted a remote learning package from the LA had it been offered. However, the repeated refusal from the government to disapply fines under s. 444 Education Act (1996) has led them to feel they have no choice but to deregister in order to keep their families safe¹¹.

¹¹ In contrast. Wales has taken a more lenient approach, including disapplying fines, and seems to have fewer deregistrations as a result. England should take note. (https://gov.wales/operational-guidance-schools-and-settings-autumn-term-version-3-html?fbclid=IwAR2k9NhpJolurj3G3vZvjt_sIDQVvS7YxL9BIM1ZoulbWQnpF7mxm7kvVh8 Attendance Section.)

Parents caring about their children is normal. We do not need to see these deregistrations as a problem, other than that they demonstrate what happens when central government does not listen to families.

It was appalling to see the Department for Education issue a blog and updated guidance saying that families who deregister during this time should be subjected to a meeting with the school and LA before the deregistration instruction is processed¹². This is unlawful, as the parental instruction to deregister takes immediate effect (Education (Pupil Registration) (England) Regulations 2006 section 8(1)(d)), and it would be far better to offer families who wish to remain on the school roll the choice of remote learning if they wish it rather than treating them as though they are irresponsible and not to be trusted.

This is another example to me of how the prejudice against alternative forms of learning / ingrained bias towards school has blinded decision-makers at the top level. Instead of thinking laterally and understanding that education is broad, there are many ways to learn, and that technology brings us new opportunities, physical schools are seen as the 'only' option, and families are mistreated as a result.

¹² <https://dfemedia.blog.gov.uk/2020/10/20/all-you-need-to-know-about-home-schooling-and-elective-home-education-ehe/>

Conclusion

In summary:

- Home education is a positive, wonderful choice. It is the default choice and sometimes the only way a parent can meet their duty under s.7 Education Act (1996).
- Home educators face systemic and systematic discrimination.
- Some home educators consider themselves to be a cultural minority. There are many second (and some third) generation families of modern-era home-educators.
- Home education is not like school. The two systems should not be compared. Home education is not (usually) 'school at home'. Trying to treat home-education using school-like systems causes damage, and affects the way that home-educators are able to educate.
- The committee should not be tempted to think that the recent rise in home-education is a 'problem' or that it means that 'something' has to be done.
- The existing legislative framework has a good balance between parents, children and the state. There are good systems in place for intervening if there are genuine education (or welfare) concerns.
- The main problem is that officials – including those with job titles to suggest they have a speciality in EHE – do not understand or follow the law.
- Ultra vires behaviour is at the root cause of much of the discrimination faced by home-educators, and also puts Local Authorities at legal risk, because their unlawful activities are undertaken using taxpayers' money.
- The waste of funding by officials who overstep the law is a serious matter, not just in terms of money, but also the damage caused in time-wasting and diverting the resources from other departments such as Social Services and the Police when they are called in without reason.
- I wish you could get a sense of the joy of home-education from these reports. Please stand up for the rights of minority groups and do not be tempted to set alarming precedents. Human Rights are precious and deserve your protection.

- November 2020