

## Written evidence submitted by {a member of the public}

[Note: This evidence has been redacted by the Committee. Text in square brackets has been inserted where text has been redacted.]

Education committee review

I am submitting evidence as a home educator as I would like others to be able to enjoy the freedoms of home educating I have had without, excessive state intervention.

### **1. The duties of local authorities with regards to home education, including safeguarding and assuring the quality of home education**

The duties of the Local Authority is to uphold the law and not to seek to go beyond it or mislead families by demanding all kinds of information and evidence as being a requirement of that law.

The LA is to provide support to Home Educating families if the families request it .The law shows the LA should only be seeking to determine the suitability of education when there is evidence it is not happening. This is the same for social workers who only intervene if they have reason to, not on a whim of wanting to check on all children. To assume suitable education is not taking place unless proven is a case of a guilty until proven innocent.

Local authorities ask parents to submit detailed forms about the education and evidence of work, to determine suitability. It is becoming a tick box exercise and measurable results of the school system that we voted to reject by home educating.

The 2012 legislation clearly states "it is not the role of the LA to routinely monitor" and while departmental guidance has changed the law has not.

Safeguarding, is the responsibility of parents. The responsibility of the state is to step in only when parents fail in their responsibility. The current rhetoric from parliament and other lobbyists is to claim that the state is responsible to safeguard every child from their parents and the DfE that all aspects of a child's life comes under its safeguarding remit. Yet the Scottish parliament's Named Person's Act was eventually repealed because experts concluded there was no straight forward way of coming up with the necessary draft code of practice and any rules would require such detail that "it would not be user friendly to apply in practice". Safeguarding is becoming less about supporting individuals their freedom and autonomy and more about procedures and policies.

Home Educators are being referred to Social Services by health professionals and other bodies purely because they are home educating or because they decline optional services like health visitors. Home educated children are twice as likely to be referred to social Services than school children but were 3.5 - 5 times less likely to be put on a Child Protection Plan (Charles-Warner, 2015) Clearly the time of social workers is being wasted by chasing unnecessary referrals giving them less time to devote to those who most need them.

The expectation that with enough oversight the state can prevent all deaths and abuse is both untrue and unrealistic. Such an expectation forces the state to be hyper vigilant and view all parents as potential abusers that must be monitored. By that reasoning every person in the

country is an potential abuser. In the case of accusations of emotional abuse this is extremely difficult to rebuff. There is more evidence of abuse in schools, currently 100,000 school children are suffering post-traumatic stress disorder due to severe bullying (Lewis et al,2019). Clearly the DfE safeguarding responsibilities should be focused on the 8.82 million school children, not diverting funds and time to the Home Education system that is not broken.

Any standard set for safe and suitable education for home educators must also apply to every school child.

The use of the word quality as opposed to suitability is interesting. Neither the law nor guidance require the authority to determine the quality of the education, only whether it is suitable. Education philosophy and delivery are extremely varied and I cannot find studies that compare different forms of education other than different school systems. Of the 57 varieties of learning modes mentioned in Cummings book *Self Managed Learning and the New Educational Paradigm* "the classroom is only one and does not lead to effective learning."

In *Regina v Secretary of State for Education ex parte Talmud Torah Machzikei Hadass*; 12 Apr 1985 it states "education is 'suitable' if it 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 if he wishes to do so." This allows for families to define what is suitable education. The aims for some home educators can only be viewed over the long term. A quality education is wholistic and includes the development of character, but state education is in the business of measurable goals and academic achievements.

Suitability is best determined by those who know the child best and not professionals who don't even know the child. Lord Bingham in his judgement in *Ali v Lord Grey School* (2006) concluded that the "party with the keenest interest in securing the best available education for a child is... the parent.

## **2. Whether a statutory register of home-educated children is required;**

A statutory register is not only, not required, but would be ineffectual and contrary to the law as it stands.

Parents are lawfully responsible to provide a suitable education and they have a right to determine how that is provided. If registration becomes mandatory then Home Education can no longer be considered a right but a licence and the state is usurping the rights and by implication the responsibility of parents as well as breaking the law.

Such a register will not result in finding all who are Home educating. If you don't know about some Home Educators, how will you know about them unless they register? It is not a logical argument.

Efforts to find them would require data sharing across departments and services, which, without the parents consent is against GDPR legislation. Using safeguarding in order to discover them rests on the assumption that if they are hidden they must therefore be at risk. Home Educated children are not hidden. Despite its name, Home Education involves being out of the home, in the

community during school hours and therefore these children are in fact more visible than their school counterparts. They are also seen by health care workers and other professionals and public groups.

By encouraging other bodies such as the NHS to share data there is a risk that unknown home educators, in order to avoid detection may not utilise health care professionals. Even if this a small risk it is a serious one, as the government demand for a register could actually put such children's welfare at risk.

The argument that these parents must have something to hide is cynical, and does not take into account some parents real concern that LA inspectors acting beyond their remit have the power to hassle parents to the point where they have to take recourse to the law or may just want to exercise their right to a private life.

Point 2 suggests that the committee are considering whether a statutory register is required. If so why did the Children's commissioner state that "The Register was agreed. There is a commitment from the DfE for that compulsory register."? I was not aware she can decide government policy. If her statement is true I would like to know if the first Gunning Principle applies, that "consultations must take place whilst the proposal is at the formative stage. Officials cannot consult on a decision which has already been made."

### **3. the benefits children gain from home education, and the potential disadvantages they may face;**

Parents know their child best and therefore best able to tailor the education to what is suitable for that child. Schools cannot provide that level of tailored education and in a way that is most suited to their learning style . The child is able to have more one to one input rather than being one of 30 . As a result structured lessons can be done in far less time, usually 2 – 3 hours a day, allowing more time for creative activities, outdoor education and essential life skills.

Without the restrictions of a curriculum which is age related, a child can learn at their own pace, and a time appropriate for them, (earlier or later than their school counterpart). With no timetable restrictions they can study any topic for as long or as short as they desire. They can follow their own interests, and this encourages them to take greater responsibility for their education making them more motivated and effective learners and gain knowledge of their unique strengths and abilities.

The child is not daily, constantly being compared to their peers which often results in anxiety, loss of confidence and self esteem. My son by the age of [age] had a poor view of his abilities in comparison to a mixed age group of, around 10 children, yet this was a caring and supportive class. Whereas his home education over [number of] years has resulted in phenomenal general knowledge despite his difficulties in concentrating due to [personal information]. He is confident in who he is and does not feel the need to conform to others expectations.

It allows greater opportunities to access all the resources in the community, libraries, museums, local history centres, art galleries, gardens, parks, nature reserves, sports facilities, shops and community projects all of which open endless possibilities for learning.

In my area there is fantastic support network of home educators and lots of opportunities for different group meet ups, bush craft, science, art or simply being in nature together. These social opportunities with other home educated children of different ages is more natural than the restrictions of the same age, classroom setting. This encourages a more sympathetic approach to those younger or older children who are at a different stage. This creates a broader choice in friendship, rather than the forced limitations of a school peer group only setting. In these relaxed egalitarian settings relationships naturally develop between children and between children and adults. This is very different from the teacher/child dynamics in school which in the experience of my sons schooled friends, is manifested by them being unable to happily or confidently converse with adults.

The sheer joy of learning alongside your child and being inspired by their enthusiasm and desire to learn and share their findings.

The disadvantages of home education are:

A lack of sporting opportunities, particularly team sports and the inability to have practical experience in higher level science subjects.

The limitation of local access to sit national exams as external candidates and the charging of exorbitant fees by some.

Discrimination, prejudice and stigmatisation of Home Education in the eyes of the public due to constant unsubstantiated accusations and scaremongering and negative comment in Parliament and in the media about home education being a safeguarding issue. It continually maligns caring parents.

Parents going out and about in their home education (with their supposedly unseen children) are accosted by strangers who feel they have the right to ask intrusive questions of complete strangers about why the child(ren) are not in school. And comment about how they are not going to get exams. No one has brought forward any evidence of radicalisation, trafficking or abuse not then; when Lord Soley repeatedly sowed this seed during the reading of his bill, nor since.

We have personally encountered prejudiced from health professionals who assume that my child does not socialise.

**4. 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;**

I do not see financial support as necessary because it would always come with strings attached. However the LA could help by ensuring that there are school and colleges locally who take external candidates for national exams and ensure the cost of sitting these is fair and not overinflated.

The rise in home education in recent years can be squarely laid at the governments door as cut in school have left them unable to provide a suitable education for children with special educational needs. Parents have felt they have no alternative but to home educate. This is also true of those who have been bullied or who are suffering mental health needs. Services in all areas have been cut.

**5. 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';**

Children formally excluded must clearly have issues and will be known to the LA. Such children should be the focus of social services and the education department. These children have been forced out of school therefore should not be included under elective home education.

All proprietors of unregistered schools should be prosecuted using current powers. Again illegal education is not elective home education.

Off rolling is a direct result of league tables, a privatised school system and Ofsted inspections. Where pupils exam grades are expected to be low it is only natural they will try to get rid of them, the same with pupils who are considered 'a problem'. Schools who do this should be penalised and their actions should be highlighted in subsequent Ofsted inspections. Again these families have been coerced and are therefore not elective home education. It muddies the waters to include these three areas with elective home education.

The regulatory framework is more than sufficient. In safeguarding/wellbeing aspect, if schools are unable to pick up radicalised and abused children, when they are seen every day by professionals, it is clear no amount of oversight of home education could ever effectively pick this up. If EHE officers have a safeguarding mindset they are likely to find issues where there are non. Increased oversight would require huge a number of officers and put a huge financial burden on already stretched authorities. It would also increase the hostility between the authority and home educators, who wish to be left alone to get on with their job.

Academic achievement is not a safeguarding issue the Human Rights act has a negative phrase "no person shall be denied the right to an education". In the letter from Lord Adonis to Lord Judd (in 2006) who was proposing a change to a positive right to education, he concluded such a change would create legal uncertainty and impose an obligation on local authorities to ensure that children receive education of a particular standard which the authority were unable to provide. This means a particular standard cannot be demanded of home educators.

**6. the role that inspection should play in future regulation of home education;**

**7. 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**

There have been no improvements in fact the situation has deteriorated.

In my [time period] years of home educating the effects of Lord Soley's bill and the hostile environment all his unsubstantiated accusations have engendered, has resulted in a significant

deterioration in the relationship between the EHE community and the LA. Levels of trust have further eroded since the new Departmental Guidance.

The recommendation to develop a more formalised association with the aim of sharing best practice resulted in the formation of The Association of Elective Home Education Professional, but it appears from a Freedom of Information Request that some of its members instead of being interested in supporting home educators was actually advising Lord Soley on what to include in his Bill!

The primary EHE officer in my area was excellent, with great experience of what home education may look like in contrast to the school model. She worked extremely hard to provide events and support for the community, and national training in LA conferences. She lost her job last year.

### **8. the impact COVID-19 has had on home educated children, and what additional measures might need to be taken**

The Children's Commissioner failed in her remit when she did not intervene for Home Educated children who were denied grades when the GCSE and A levels were cancelled. Allowing the sitting of these exams in November is little consolation to children who will now have to wait another year for further education opportunities in colleges or universities. If exams fail to happen next year there needs to be measures in place to provide grades for Home Educated children.

In fact, in Ireland, Elijah Burke successfully challenged the Minister of Education in the High Court for failure to provide him with grades, stating that "the policy was arbitrary, unfair unreasonable and contrary to law."

My son's was most affected by the inability to socialise in home education groups and groups outside of education. He coped well generally with the limitation. However a person from Children's Services called me weekly asking if we had any education, health and well-being or safeguarding concerns. This was unsolicited and intrusive and given the lockdown restrictions she would neither have been able to provide any kind of help, nor indeed sanction if I had said I was not educating him. When questioned further whether all school children were being called I was told "Schools are contacting their own vulnerable children. Vulnerability can be one of two types, a medical or physical issue that makes them vulnerable and the other a vulnerable of abuse. I was not the former and was annoyed to say the least that my son was considered in the latter purely because he was Home Educated.

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