

Written evidence submitted by Educational Freedom

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

To the Education Select Committee,

This additional submission has been sent from Educational Freedom, on behalf of The Elective Home Education Alliance. The EHE Alliance is a consortium of established home education support organisations, experienced home educators, publishers, informative websites and academics working together to disseminate the facts about home education in contrast to unfounded rhetoric. After watching the second oral evidence session in the Home Education Inquiry, we wanted to bring several matters to your attention.

Firstly, we found it improper that the first five minutes – of a time-limited evidence session which had already started 15minutes late – was spent talking about rape culture in schools. Whilst bullying, sexual harassment and rape are indeed reasons why parents and their children may decide to home educate, rape culture in itself has nothing to do with Home Education, so should not have been mentioned in this meeting at all, especially since there was so much ground to cover, as evidenced by the Chair’s request that everyone “be as concise as possible in your answers, all of you, because we have loads to get through”.

School Attendance Orders [Q65-67]

The Chair asked why there has been a 171% increase in school attendance orders being issued by Local Authorities, Wendy Charles-Warner rightly asserted that many of these are issued without a proper basis. It is well known anecdotally that some LAs have ‘success’ in reducing the number of home educated children, by threatening parents with school attendance orders.

In 2020, for all 151 English LAs, FOI requests indicate there were 1249ⁱ s437 notices issued and there were 225 school attendance orders issued, which accounts for 0.3% of all home educating parents. [redacted]

This example serves to illustrate why most home educators fear that some LAs will abuse their powers further if registration and/or monitoring legislation is introduced.

Evidence from Parents for LAs [Q66 & 68]

On the matter of evidence produced by parents, Ellen Collier’s statements were contradictory. First she said “There should not only be one acceptable way and we are very clear to say, “or in a way of your choosing.” However, she went on to say “where we ask for some specific information—for example, photographs of the child’s activities or what they are producing... the guidance does not make that clear, does not include that as a responsibility for parents...”

The guidance is, in fact, clear that it is local authorities who should accept evidence in whatever form the parents wishes to share:

Section 5.1 of the EHE Departmental Guidance for Parentsⁱⁱ says “Your local authority has no formal powers or duty to monitor the provision of education at home.”

Section 6.12 of the EHE Departmental Guidance for Local Authoritiesⁱⁱⁱ says “An authority should not dismiss information provided by parents simply because it is not in a particular form preferred by the authority.”

The guidance does not specify that parents should give the local authority photographs of their children. Local authorities should not be demanding pictures of children at all, especially when the privacy policies of some councils means that the information is kept on file until the child is 25 years old, or 30 years old if the children have SEN. More and more councils are asking specifically for photographs, and noting on file or threatening to tell their superiors if these requests are not granted by the parent.

Some children have explicitly requested that their work is not shared with anyone. This should be respected, in line with Articles 12 and 16 of the Convention of the Rights of the Child (specifically Respect for Children's Views and Protection of Privacy). One council came to our attention which has gone so far as telling parents to photograph children without their permission! Covert recording of children is a criminal offence, as shown in the case [2016] EWFC 29^{iv}.

We believe it is unacceptable for a LA to determine that the education is unsatisfactory based solely on a family opting to send in information in a different form, rather than sending samples of work.

Rising Numbers of HE Children [Q71-73]

After being asked by Ian Mearns why the numbers of HE children have grown so much, Victor Shafiee dismissed Mrs Charles-Warner's evidence without good reason. "With all due respect to Wendy, we are guessing at this. What we need is a proper way of collecting the data so we can all know the reasons that parents tell us and the reasons that home educators tell us, rather than us just guessing why the numbers are increasing and why parents are taking children out of school." Mrs Charles-Warner's research can be found at 'Home Education Trends, Preliminary Report'. Education Otherwise 2020^v.

Duty of Care and Safeguarding [Q75-76]

Jonathan Gullis stated that inspection of Home Educators by Ofsted puts Home Educators on a par with schools. That is incorrect. Schools are monitored and inspected because they are acting in loco parentis. Section 7 of the 1996 Education Act^{vi} is clear that *parents* are still responsible for the education of their children, even though they are using schools to fulfil this responsibility. It is therefore prudent that parents should know how their children are performing and how the school they have chosen compares to other schools. This is all unnecessary within home education, because parents are very aware of the progress their children are making. They have the flexibility to adapt where necessary, so the child can receive a suitable education according to their age, ability and aptitude.

Social Services Referrals [Q74 & 76]

Home educated children are much more likely to be referred to social services than schooled children, even though there is often no basis for the referral, as statistically they are no more likely to be abused. Again, Mrs Charles-Warner has done research into this at 'Home Education and Child Abuse: How Media Rhetoric Drives the Myth' CPE 2019^{vii}.

Off-Rolling and Unregistered Schools [Q81-82]

David Johnston said "We have had a number of people submit to our inquiry that off-rolling and unregistered schools are not a problem of elective home education." This is correct, as both off-rolling and schools not registering are problems with schools and how they operate, and do not concern how children are educated at home.

Mr Shafiee said there is no data, but added that there are over 700 potential unregistered schools, though Ofsted cannot inspect them. We contend, therefore, that this “lack of data” is Ofsted’s own doing for not having investigated more thoroughly.

Mr Shafiee also failed to differentiate between an illegal school and an unregistered setting in his definitions.

“The definition of an independent school is where there are five or more children receiving most of their education, where there is a child with an education, health and care plan or where there is at least one looked-after child. There is a very tight legal definition of what is an independent school. Of course, an unregistered school is one that meets all those requirements but doesn’t register with the Department for Education, which is the regulator in this space.”

It is only later in the hearing, Q89, that he clarified:

“There are lots of unregulated, part-time, alternative provision settings that operate within the law, in that they have fewer than five children or they are part time, which means they are unregulated but are not illegal.”

Mr Shafiee proposed a national database of all children, administered locally, which tracks all children. This would be expensive and not cost effective. In 2010, when numbers of home educated children were only a third of what they are now, Mr Graham Stuart MP estimated it would cost £100 million to set up the register and more than £50 million a year to maintain it. Even David Simmonds admitted at the time that pursuing a register is “not a good use of public money”^{viii}. A register may not only breach a child’s right to privacy, but there is the potential for massive data breaches by such a system. In the last quarter of 2020 alone, we are aware that there were *three^{ix x xi} major data breaches* from LAs.

Child Protection Plans [Q90]

Mr Shafiee then went on to state that children who are on a protection plan should not be allowed to be home educated. First, it should be noted that not all children who have a Child Protection Plan (CPP) are at risk from their parents, but the dangers they face are outside their home. Secondly, CPPs are drawn up in order to protect a child, who will have access to a core group of professionals, including a social worker. Having a CPP in place should not be a barrier to that child being home educated.

Assessment Quality and Outcomes [Q91-94]

Kim Johnson asked some questions in this area, but Mr Shafiee responded with information about the outcomes for children in illegal schools, not the outcomes for EHE children. We would like to point out that they are two different groups. By contrast, it is noteworthy that home educated students “often get better test results and have more degrees than their peers”^{xii}.

Unacceptable Standard of Chairmanship [Q97-103]

During his exchange with Mrs Charles-Warner about Standard Assessment Tests (SATs), at one point the Chair accused her of being “completely misleading” whilst he himself went on to convey incorrect information regarding SATs in schools.

Regarding SATs he claimed:

“They are not just for the schools, they are for the children.”

“They are absolutely for the children. It is nothing to do with the schools. It is for the children. Of course, the schools have to pass Ofsted and so on, but these assessments are for the children.”

It is shocking that the Chair of the Education Select Committee has such poor understanding about the provision of education in this country! To clarify the position regarding SATs:

The summary from the Primary School Accountability document 2019^{xiii} states:

“This guidance explains the primary accountability measures, including how a school’s progress scores are calculated. ... The assessments used to measure the progress that schools help their pupils achieve between Key Stage 1 and Key Stage 2 are:

- Key Stage 1 results in English reading, English writing and mathematics teacher assessments, that were administered in summer 2015, when the 2019 Year 6 cohort were aged 7; and
- Key Stage 2 results in English reading and mathematics tests, reported as scaled scores, and the English writing teacher assessments that were administered in summer 2019.”

i.e. Primary Schools are held to account, based on the results of KS1 and KS2 SATs.

According to SATs Papers Guide^{xiv}:

“SATs are tests which help to measure the success schools have had teaching their children. It’s necessary to have some form of measurement to measure teaching success and while any system will be imperfect to some degree; SATs is the current process in Primary Schools. “

From the BBC^{xv}:

“The tests measure children's progress, but the results are used to compare schools. ... Ultimately the results are used to hold schools to account for the attainment of their pupils and the progress that they make.”

And The Good Schools Guide^{xvi}:

“SATs (Standard Assessment Tests) measure children’s educational achievement in years 2 and 6, with the ultimate aim of holding schools to account for the attainment of their pupils and the progress they make.”

Besides this, the 2015-2017 Education Select Committee^{xvii} has concluded that SATs testing is bad for children. The headline to that report reads:

“The close link between primary assessment (SATs) and school accountability creates a high stakes system which can negatively impact children’s teaching and learning, says the Education Committee”.

During this exchange, we noted that the Chair interrupted Mrs Charles-Warner repeatedly – fourteen times within a five minute period! This is completely unacceptable. We consider that this is appalling behaviour on the part of any Parliamentarian Chair. Mrs Charles-Warner had been invited to give oral evidence because she is an expert and she should be treated accordingly.

Questions about Literacy and Numeracy [Q106-111]

Dr Caroline Johnson’s repeated questioning about a 10 year old who cannot read shows a clear lack of understanding about how children learn and the purpose of reading. In school, children need to learn to read early because reading is the easiest way to educate the masses (or the child gets left behind). In a home education

setting, however, you can tailor education to the individual and make use of easily available technology to learn via other means – audibly, orally, watching documentaries, visiting educational sites etc. It should also be noted that if a child in school is finding reading difficult, they cannot even begin to be assessed for dyslexia before the age of eight years old, meaning it is virtually impossible for that child to be a fluent reader by the age of 10 years old.

Dr Peter Grey writes in *Psychology Today*^{xviii}, “Our standard schools operate on the assumption that all children of a given age should learn the same lessons, in the same ways, at the same time. That assumption is blatantly false, and it leads to endless agony.”

Standards of Training of Education Welfare Officers [Q112]

Mr Simmonds pointed out that “In my experience of local authorities, educational welfare officers, who tend to be at the forefront of working with home educators, are usually among the most qualified and experienced people in any local authority. They do a difficult job, and it is not something that tends to be done by people who are not extremely highly trained and experienced.”

However, Ms Collier later responded “In response to the question of training, the process that we follow in my local authority is very much on-the-job training and making sure that new members of staff fully understand their remit. ... There is no learning module, there is no specific course to send a member of staff on.”

And Mrs Charles-Warner concurred with Ms Collier, “We have seen advertisements for education officer posts where the only qualification required is three A-levels. I have been aware of home education officers who have no education qualifications whatsoever.”

A further current example^{xix} from North Yorkshire County Council includes the statement “You will have a good understanding of the National Curriculum, quality first teaching and attainment measures for children of school age.” But as specified in section 2.11 of the EHE Departmental Guidance for parents^{xx}, home educated children do *not* have to follow the National Curriculum nor match school-based, age-specific standards, so this requirement is erroneous.

We very much hope that all members of the Education Select Committee will give due consideration to the points we have raised here.

Yours sincerely,

Liz Jenkins – Co-Founder Educational Freedom, Home Educator

Juliet English – Co-ordinator of Learn Free Conference, Director at 'Streams Education', Home Educator

Dr Ian Cunningham – Chair of Governors, Self Managed Learning College, Sussex

Beth Bodycote – Trustee, The Centre for Personalised Education and Founder, Not Fine in School

Alison Sauer – Chair, The Centre for Personalised Education

Fadoua Govaerts – PhD researcher, Lecturer, Home Educator

Ann Charles – Home-educated grown up and Trustee, The Centre for Personalised Education

Randall & Mary Hardy – Home Education Campaigners, Former Home Educators

Rebecca Graham – MA researcher, Home Educator

Dr Harriet Pattison – Senior Lecturer in Early Childhood, Liverpool Hope University

Elizabeth Lil – Trustee Schoolhouse SCIO SC026965

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- i Figure from accumulated FOI responses from LAs, details yet to be published.
Note: +/- 12 due to six LAs responding with "less than 5".
- ii https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791528/EHE_guidance_for_parentsafterconsultationv2.2.pdf
- iii https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf
- iv <https://www.bailii.org/ew/cases/EWFC/HCI/2016/29.html>
- v <https://www.educationotherwise.org/wp-content/uploads/2020/12/Report-home-education-Trends-preliminary-report.pdf>
- vi <https://www.legislation.gov.uk/ukpga/1996/56/section/7>
- vii <https://www.personalisededucationnow.org.uk/2019/04/01/2019-research-home-education-and-child-abuse-how-media-rhetoric-drives-the-myth/>
- viii <https://www.christian.org.uk/news/home-ed-registration-not-a-good-use-of-public-money/>
- ix <https://www.bbc.co.uk/news/uk-england-bristol-55048398>
- x <https://www.growthforums.com/main-navigation/uk-national-cyber-security-centre-investigating-serious-cyber-attack-on-hackney-council/775.article>
- xi <https://www.bbc.co.uk/news/uk-england-devon-55286215>
- xii <https://theconversation.com/homeschooled-students-often-get-better-test-results-and-have-more-degrees-than-their-peers-111986>
- xiii <https://www.gov.uk/government/publications/primary-school-accountability>
- xiv <http://www.satspapersguide.co.uk/>
- xv <https://www.bbc.co.uk/news/education-44126030>
- xvi <https://tinyurl.com/GoodSchoolsGuideSATs>
- xvii <https://committees.parliament.uk/committee/203/education-committee/news/102666/highstakes-testing-harming-teaching-and-learning-in-primary-schools/>
- xviii <https://www.psychologytoday.com/us/blog/freedom-learn/202103/forced-schooling-anxiety-and-learning-disorders>
- xix <https://www.northyorks.gov.uk/elective-home-education-advisor>
- xx https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791528/EHE_guidance_for_parentsafterconsultationv2.2.pdf

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