

Written evidence submitted by Wendy Charles-Warner

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

25th May 2021

Dear [name]

Ref: Letter published on 24th May 2021 from AEHEP, although dated 24th March 2021.

One can only assume that this letter was published today for operational reasons. The content and overall message within this letter do demand a response.

Our starting point must be that home education is the legal right of every parent across England and Wales (Education Act 1996 s7). It is imperative that all law abiding individuals, authorities, organisations and committees comply with the law of this land. If, as heavily suggested in this letter, the AEHEP as a body representing local authorities is wanting to act and acting in ways that deliberately flaunt the law and aggressively use public monies in order to support their actions to achieve non-compliance with the law, then any committee is compelled to treat any such behaviour and supportive evidence with some disdain.

It is clear that the AEHEP is misrepresenting Education Otherwise' open and repeated position as the preeminent established voice for home education in the UK:

'Certainly, lobby groups such as Education Otherwise, Education Freedom and others such as the Patriotic Alternative Campaign would project EHE as always providing an excellent education with local authorities being unreasonable and often giving advice on how to not engage with local authority officers.'

Education Otherwise take it as a significant affront that AEHEP would even consider associating our reputable national charity with the Patriotic Alternative Campaign. As members of AEHEP no doubt are aware, this organisation describes itself as: *'A fascist, antisemitic white nationalist organisation.'* The only motive behind AEHEP associating Education Otherwise with this group would be an attempt to discredit us where there is no factual, or realistic rationale to discredit us.

[redacted paragraph]

Given the nature of the letter from the AEHEP it can only be assumed that the collective wisdom from this umbrella organisation totally supports the actions and overall intentions of [city] and other local authorities who act outwith the law.

We are encouraged that there is some acceptance amongst the membership of the AEHEP of the necessity of training. However, a well-structured and balanced training programme is currently in development through the Open University and we would recommend that this is looked at.

If the AEHEP take the view, which they are completely entitled to do, that their members should receive training from Prof. Daniel Monk then as with all decisions that are made, AEHEP members will either benefit, or do themselves a disservice. It is not our role to dictate how these decisions are made, however, whilst he has published several articles relating to elective home education, it is a significant stretch to say (as far as we are aware) that Prof. Monk '*Has been involved with Elective Home Education for a considerable number of years.*' We, at Education Otherwise, are unaware of any evidence that Prof. Monk has researched amongst home educating families, has home educated a child, or has sought information from those of us with significant overview of home education practice. Having followed Prof. Monk's published work, it relates almost solely to his interpretation of legislation. By way of example, Prof. Monk States:

'More recently in 2012 in R (SD and PD) v Essex County Council parents challenged the decision of a local authority's Home Education Service to make a referral to the local authority's Education Welfare Service. The referral had been made on the basis of the parents' failure to cooperate with requests for information about their child's education. The case was categorically rejected, application for permission to apply for judicial review was refused and the

decision was upheld on appeal. The case legitimises pro-active monitoring when information is not forthcoming and is all the more persuasive because it was subsequently established that the home education the child was receiving was "suitable". (The Queen on the Application of SD v Essex County Council RCJ CO/6935/2012 cited in: Monk, D. (2016) 'Out of School Education' and Radicalisation, Home Education Revisited', *Education Law Journal*, 1, p. 17-31. [Online] Available from: https://www.researchgate.net/publication/313480342_Out_of_school_education_and_radicalisation_home_education_revisited)

In fact, this case was an oral renewal of application to proceed to Judicial Review in respect of SD's child having been referred to the Council Children's Missing Education Department and the Council declining to expunge the record of the referral. Far from being a '*challenge (to) the decision of a local authority's Home Education Service to make a referral to the local authority's Education Welfare Service*' which was '*categorically rejected*' as Prof. Monk states, the Council apologised to the family for its mistake in making the referral, the Council's defence Counsel repeated that apology to the Court and gave an undertaking that the referral would be retained in a confidential manner in order not to undermine the parent's position. The referral was only not expunged from the record because there is an obligation upon the council to maintain a record of all such actions. The case makes no mention of pro-active monitoring of home education and is in any event, an oral renewal which is not a legal precedent.

It is this type of misrepresentation of the law which has led to increasing divides between councils and electively home educating families in areas where Prof. Monk has provided training.

All parties with a stake in elective home education must accept that there is no perfect system and that it is reflection of weak argument to muster holistic attack upon any system simply because failures occur. Simply put, just as some families do not provide a suitable education, so do some local authorities act in an unreasonable manner. This is and remains the view of Education Otherwise and to state that we take any other approach is intentionally misleading. Furthermore, the fact that the AEHEP is pushing forward this position must cause significant concern for any party with a genuine focus on improving the overall education of all of our children.

Education Otherwise is disappointed in the AEHEP, particularly on a professional basis, as members are fully aware that we are open to discourse about our approach and policies and had this opportunity been taken, the AEHEP might well have avoided this disreputable and untrue allegation.

For the record: the stated policy and practice of Education Otherwise is to seek to narrow the divide which exists between local authorities and home educating families, to seek to build much needed trust and to be a conduit for recommending and supporting good practice on both sides of what is currently an ever-widening divide.

Unreasonable local authorities damage relationships between all local authorities and their home educating families, which makes it important that we do recognise poor practice, challenge unreasonable conduct and work together to support those authorities to improve. Just as we should work together to encourage parents who are failing to improve. Ultimately however, Education Otherwise works within a sphere where elective home education is one of several legal options available to all parents.

Education Otherwise remains open and willing to engage in free and frank discussions with the AEHEP and or individual members. What we will not accept is our clearly held policies and practice being misrepresented in the above manner.

Yours Sincerely



Wendy Charles-Warner (Secretary)
And Dr Fe Mukwamba-Sendall (Chair)

For and on behalf of Education Otherwise