



# An Overview of Home Education in the UK

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Local authorities often regard the advice given on websites like mine as aggressive to what they claim to be interventions to protect vulnerable children. However when families are poorly informed local authorities tend to over react. In Joy Baker's book, *Children in Chancery*, there is a graphic account from 1954, of how authorities dealt with home educating families.

Having left her children in the care of a friend, Joy Baker, who had been away overnight to attend legal proceedings, returned home late at night to be greeted by her friend running from the house to tell her that the authorities had taken her children away the previous night, quoting from Joy's book she says:

"Entry was gained through a window while the children were asleep in bed, and despite the protests of my friend, the children had been taken out of bed, dressed, and carried to the police car outside."

Joy then embarks on a late night search for her children and she then adds

"half frantic, I drove to the local policeman's house, but he refused to tell me where the children were, and only suggested that I should ask the Inspector at Dereham police station. We drove there, and after a great deal of argument, were accompanied by a policeman to the Dereham Children's Home. There the matron refused to let me see the children, and when I cried and called them by name she and the man in charge took hold of me and threw me out, and barred the door.

The rest of the night was a confused horror of darkness and policemen—they kept arriving in cars, and surrounded the Home. I knew that if I attempted to force entry, or struck anyone, I could be immediately arrested and taken in custody to the police station (I was told afterwards that they hoped I would do this, so they could get rid of me). I dismissed the car; and then, shivering with cold, lay down on the doorstep of the Home. As I was breaking no law, they could not remove me; I proposed to stay there until they let me take my children home.

Shortly after midnight another police officer, Inspector Barnard, arrived. I did not know him, but he knew my father; he approached me with the first kindness I had met with that night, and gave me his assurance that if I would agree to go home the children would be returned to me the next day. "



The following day Joy was eventually re-united with her children of which she says

“I have never seen any children in so pathetic a state. Their faces were stiff with terror, the pupils of their eyes fixed and contracted, and the younger ones cried hysterically long after I got them home. It was obvious that everything they had been through was branded on their minds.”

A more recent case from 1977 was that of the Sibley's. Duncan Sibley wrote about his experiences in Bedfordshire saying:

“I was placed in another care home in Luton, called Winsdon Children's Home. I didn't stay there because I ran away five times on the first day. On one occasion uniformed police officers and a social worker had come to collect me and take me to an assessment centre, called Oxeden House, 20 miles away on the outskirts of Bedford, a special community home, previously called an approved school.

After heated discussions, I was charged with absconding from a care home and, like a criminal, taken to Luton Police Station.

I arrived at Oxeden House in Carlton, Bedfordshire well after midnight, frightened and nervous, I was led into a room and was again read the riot act and informed by the headmaster (called 'the Warden') that I was miles from anywhere and there was no point in escaping, as I wouldn't get that far.

I had no choice but to knuckle down and keep quiet. The nature of my arrival at the assessment centre caused tongues to wag with the other inmates. I lasted three days before I was pinned to a wall and given a good kicking by three boys. When I reported it to the Warden, I was told in no uncertain terms that it never happened and I was not to mention it anyone, especially mum and dad or there would 'be hell to pay'.

This could not happen in a western democracy today you may think, yet children experience exactly this kind of treatment not so far away in Germany, Sweden and other so called advanced liberal democracies. Only two years ago in Germany a fifteen year old teenage girl was committed to a secure children's psychiatric unit because she bravely refused to say that she preferred school to being home educated.

It is clear to me that it could, so easily, happen here. From reading the policies of many local authorities many professionals believe that despite what the law actually says about parental responsibility for education, ordinary people are not to be trusted with the future of their own children and, perhaps more to the point, the education of the next generation.

Home education has in fact always been legal in all parts of the UK and the rich frequently home educated their children at a time when ordinary families would



have found themselves treated like criminals for doing the same thing. The Queen was home educated as was Winston Churchill for part of his life as was Yehudi Menuhin. Many Upper and middleclass children did not attend school but this freedom was not extended to the masses.

There are no reliable figures but it is thought that few parents home educated their children in the post war period. However, as the 1960s began to break down the unquestioning respect for authority, greater numbers of people began to consider alternative life styles.

The sixties saw the publication of a number of books challenging the state's monopoly on mass education. A. S. Neil produced his book *Summerhill* in 1962. American writers such as John Holt wrote *How Children fail* and *How Children Learn*, both published in 1964 and back in the UK Professor Roland Meighan became interested in home education from around 1977. These researchers gradually had an impact on those parents willing to think about concepts that led to important ideas such as unschooling and autonomous education.

Numbers remained few growing only gradually over the next twenty years or so. In the US home education had been a developing secular movement throughout the 1960s but it received a questionable boost in 1972 when the Equal Rights Amendment became law and black students were admitted to previously white schools. This led to a flight of the children of white, right wing, particularly religious, parents in the southern states. Only later did the teaching of creationism become this group's overriding concern.

Back in the UK there were a number of victories such as the Tweedie case 1963 and much later the Phillips case (1980). Then in 1982 everything changed when Hereford and Worcester made the fatal mistake of taking on Jean Harrison who took her case all the way to the European courts.

She eventually won the right to home educate in a public battle with her local authority, and importantly she did it in the high court, establishing case law on a number of important rulings. There then followed other cases such as the Perry case in 1985. Each time the local authority lost on a point of law, it chipped away at their credibility. It established new case law limiting the local authority's draconian powers.

By 1985 families across the UK were sufficiently aware of each other for them to hold a meeting in Swindon which gave birth to Education Otherwise, around which the new movement would eventually coalesce. By the 1990s there were as many as two thousand children being home educated around the country.

By 1995 Education Otherwise was influential enough to persuade the Conservative government to change the law to allow families to home educate without requiring



permission to do so. This coincided with the birth of the internet mailing list, particularly UK-Home-Ed created by Neil Taylor. For the first time scattered families of home educated children, could talk together in real time and within just 5 years home educators were no longer on the defensive.

By 1999 Education Otherwise was under siege. The organisation itself had already split once creating The Home Education Advisory Service and the UK-Home-Ed mailing list was at odds with EO over the issues of home visits and autonomous education. The old guard at EO had failed to respond to the new wave of radical home educators who took Holt, Meighan and others seriously and had begun to put these ideas into practice.

New radical parenting styles such as Taking Children Seriously, emerged headed by Sarah Lawrence, a home educating mother and the Oxford physicist David Deutsch. The hugely influential TCS movement rejected imposed education on moral grounds. These ideas brought new levels of conflict between families and inspectors who simply could not grasp how they were supposed to work. EO's initial reaction was to refuse to support them, leading to a division between EO and the mailing lists that exists to this day, even though EO has, for some time now, fully supported autonomous educators.

By 2000 the online HE community had become the driving force for innovation in home education. Members of the lists took a more aggressive stance against the authorities, letter writing campaigns were run from the lists.

One gentleman in Nottingham took the phrase "keep them talking" to heart, I remember him passing letter 150, but he kept on for years until Nottingham, finally ran out of patience and told him they would send an inspector the following week, only to receive the reply that they ought to check their records as the child was now a full year beyond his compulsory educational age.

In 1998 the UK-HOME-Ed list published EHELG, the Elective Home Education Legal Guidelines which was sent to all LA's in England and Wales. EHELG had been written by a team of around a dozen people including the barrister Ian Dowty.

Ian became invaluable to the movement. He was a home educating parent, but unlike others, his skill as a Barrister with experience of criminal law was crucial while editing EHELG, tightening the wording making it useful when dealing with local authorities.

For many years Ian held seminars and workshops at HESFES teaching hundreds of home educators the legal principles that gave them the confidence to stand up to LAs when they door stepped them or insisted on formal curricula. Home educators were now packing legal knowledge to back up their aspirations and authorities were on the back foot.



In 2000 however the world became a colder place. Politicians and professionals cynically used the death of Victoria Climbié to justify the introduction of new draconian measures to limit the freedoms of parents to home educate. These powers aimed to force home educators to register with their local authority allow inspections and afford authorities the right of access to children even where there was no evidence of abuse.

Campaigners fought the proposals on the grounds that Victoria had not been home educated, was already known by the authorities and had been seen on numerous occasions. There was no evidence that home educated children were at a higher risk than school children. Therefore, none of the measures being proposed would have made the slightest difference to Victoria whose death came about as the result of systemic failures by various agencies to use existing powers. Despite this, Victoria's death remains the most often cited reason by the authorities for extending their powers.

The government however used Victoria's death to force through a number of bills such as the Education Act 2002 and the Children Act 2004 as well as devising the Every Child Matters policy, even though Labour Government ministers admitted that they had already been planned previous to the case.

From 2003 to 2005 we saw a number of attempts by the DFES to establish guidance to control home educators, demanding home visits, and broad and balanced curricula, non of which are required in law. Each attempt was met with a barrage from the growing and ever more confident home education community. Threats of non cooperation of the 'see you in court' variety were a regular response to LEA threats. While ultimately most families wanted to avoid court action, others understood that the law was behind them and with this confidence and legal expertise to support them, some were willing to risk a full on confrontation with their LA. Local authorities faced the prospect of expensive and lengthy court cases which they had no confidence of winning. Officials were conscious of the costs they were incurring for their employers and the career implications this might have. Few cases went to court but where they did and they were well defended, the families were victorious.

2005 saw the last attempt to establish draconian guidance which was defeated by the first large scale national campaign by home educators against a government policy document. Then in 2007 the DFES issued new guidance which while not perfect was close enough and certainly a lot better than anything previously seen. It is this guidance that the DFES still operates by today.

In 2008 we heard that the DFES had commissioned Mr Badman to undertake a comprehensive review and to recommend changes to legislation in England. This



resulted in a call to arms from activists. Dozens of different groups emerged to defeat the proposals. National charities like the NSPCC freely and openly lied to persuade legislators. Badman himself even went as far as to mis-represent statistics to the HOL select committee on education by falsely claiming that HE families were twice as likely as the general population to abuse their children.

In the end the legislation failed because one strand of the campaign had been to quietly talk to conservative MPs and Lords. When the election came and the education bill was added to those in the 'wash up' procedure, the conservatives opposed the measures and so those sections of the bill were dropped. Home Education had escaped state control by the skin of it's teeth.

However not everything returned to normal. Many Local authorities had passed policies on the assumption that the Badman reforms would be enacted leading to conflicts with families. However there were now families all over the UK who had taken part in the Badman campaign, who were now willing to turn their guns on their local authorities.

Already back in 2007 campaigners in Milton Keynes, under the leadership of Neil Taylor, had successfully engaged with their local authority to persuade them to change their policies and with more families willing to get involved this could happen elsewhere.

Today families are active in many local authorities such as the West Midlands, Lancaster, Stafford, Kent, Suffolk and Hampshire making new or existing policies unworkable, forcing LAs to the table to produce legally appropriate directives for their staff. Some of these groups have achieved notable successes and general improvements.

A family home educating today can expect to find support from experienced local families with established strategies for dealing with overbearing demands from inexperienced local authority staff and national support structures to back them up where more complex support is required. Families should no longer fear the late night knock on the door from social workers and police.

However there are still risks. The view that home educators should stand on their own feet and not look for support from the state has been diluted. There are undoubtedly some categories where support might be legitimately demanded. Access to medical services for families with children with complex needs should be available outside the school system. Local authorities should provide assistance in locating examination centres and peripheral support such as extended library access could all be legitimately addressed, but some demands go a lot further. Some want curricula support and funded drop in centres and even direct funding.

If we go down this rout local authorities will expect to measure effectiveness, which



means outcomes and that means some form of invasive monitoring. Once established for families using LA support other more independent families, not subjected to monitoring, will be seen as having avoided safeguarding via a loophole and will inevitably be brought into the system. Families refusing help may even be seen as suspicious. We have already seen this in places like Bedford where they have experimental flexi schooling. Invasive outcomes based monitoring means testing and that means teaching to the test as happens in parts of Europe such as in France and Belgium as well as in parts of the USA.

Many of us who deal with the sharp end of local authority policy see this as a major threat if not the major threat to the future independence of home educators and particularly to the hard won freedoms of autonomous and unschooling families.