



Injustice through Legal Manipulation

by Duncan J Sibley

While the following article is not directly about home education and while it involves a case which has its roots in events over 30 years ago, it does have two features important to home educating families. One is that it shows the lengths an LEA may go in its determination to enforce its view of education over that of a child's parents and the other is that it incorporated the landmark case which prevented local authorities from removing children into care for purely educational reasons. [Editor]

During the late 1960's, whilst my parents were spending thousands of pounds on our education at a small private school, Luton Borough Council had been planning to introduce the new system of 'Comprehensive Education' into the town. So as to ensure that this untested system was the only one available to Luton children, this authority closed down the existing grammar school and renamed the high schools, comprehensives. They also stopped Luton children from having any access to the direct grant schools in Bedford. To cap it all, in 1970, they removed any opportunity we might have had to receive a decent education by closing down the senior section of Broadmead Independent, the private school my sisters and I were happily attending.

In 1970, my sisters, Vanessa and Melanie, had to leave Broadmead School as they had reached the age of 11 and 12. My parents had made every attempt to prevent the senior school's closure by attending parents' meetings and writing letters to the authorities objecting to the closure of the senior school. As there were no private schools with senior sections now available in Luton, my mother and father requested that my sisters take the 11+ examination which would enable them to attend a grammar school outside Luton.

My parents were optimistic that Luton authority would stick to the terms of sections 8, 36 and 76 of the 1944 Education Act, and carry out their wishes of selective, grammar school education for their children. My parents waited in vain because Luton authority chose to do nothing for a year and left my sisters without any formal education. The only tuition my sisters received was a few hours of English and Maths per week from the headmaster of their previous school and some private tuition by a friend of the family. It was only when my dad contacted the Daily



Telegraph newspaper that the authority decided to act by issuing him with a School Attendance Order.

Luton Borough Council took my dad to the magistrate's court and fined him £10. When my dad refused to pay on a matter of principle, he was jailed for a month.

After his release, mum and dad were summoned back to court and were given one last chance to send my sisters to the local comprehensive school. My parents refused and, to their horror, Luton Borough Council took my sisters into care under the 1969 Children and Young Persons' Act.

Fortunately, an anonymous benefactor came forward and my sisters were taken out of care and sent to a private girls' boarding school in Yeovil, Somerset. Fortunately for my sisters, the very unsettling experience of being removed from their parents and into the care of the local authority only lasted three weeks.

By 1975 both Vanessa and Melanie were in their third year at their school in Yeovil. Just two months off my 11th birthday. It soon became apparent that the local authority, having underestimated the resolve of my mum and dad during my sisters' case, was prepared to use whatever means, however costly to the Bedfordshire taxpayer, to crush my mum and dad's resistance to the Luton comprehensive education system.

The council stated that they were obeying the 1944 Education Act by offering my parents any of the comprehensive schools in Luton. After visiting several schools my parents refused the offer on the grounds of unsuitability.

September 1975 should have been when I started back at senior school. With correspondence flying back and forth between our solicitors, the weeks turned into months which then rolled into 1976.

The first port of call was the magistrate's court in Luton in early May. Having failed to intimidate my dad with a prison sentence a few years earlier, they used the 1969 Children and Young Persons' Act and placed me into care. The letter of the law permitted the County Council to issue a care order, but it was like a thief receiving a life sentence for stealing an apple.

Taken directly from the court without any real time to say goodbye to my mum and dad, I was whisked off "to meet my new parents" according to the social worker allocated to me.

Some twenty minutes later I arrived at Runfold House, on the outskirts of Luton. I was taken directly in to see the 'Housemaster' and was read the riot act. "You will



wash up according to the rota. You will be in bed by 9pm. If you run away, you will be caned. If you are rude, you will be caned. If you do not attend Icknield Comprehensive School, you will be caned. We are your parents now and you will do as you are told. If you are good and obey these rules, you may be allowed to see Mr and Mrs Sibley.”

I only realised some years later that the staff at Runfold House and the other institutions I had to attend, didn't use the reference of Mr and Mrs Sibley as a statement of courtesy but as a statement of detachment. They were trying to make it clear to me that mum and dad were not my parents anymore. I was also threatened with the cane on one occasion for referring to my mum and dad.

During May and June 1976, I was permitted to stay at home on weekends. This gave me the opportunity to fill mum and dad in on the events of the week. I had kept notes of what I had seen and heard at both Runfold House and Icknield School.

At the end of June 1976, our Appeal was held at the Crown Court in Bedford. Bedfordshire County Council rolled out their big guns. London based QCs, fought in vein to have the verdict of the magistrate's court upheld. With a recommendation from the judge that my parents' educational wishes be respected and acted upon, I was taken out of care and I was returned home in a blaze of publicity.

The authority then made an appeal to the Divisional Court in London which Bedfordshire County Council again lost, but it then appealed to the High Court of Appeal and, this time, the authority won.

After the High Court of Appeal's ruling, 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'.

Because I kept running away, I was not allowed to see my mum and dad for up to a month. This was officially put down to the "disruptive" influence my mum and dad had on me. At no time did my parents influence me in my decision to run away from these care homes. At no time were my parents "disruptive". They were always most careful and concerned about my welfare.

Nearly a month into my stay at Oxeden I was given the privilege of going swimming in Bedford with the other inmates. I got out of the pool early with a bad dose of stomach cramp allegedly. This gave me a 40 minute head start to get to the train station and then home.

By the time the local authorities had realised I was gone, I was knocking on my door at home in Luton. I knew that it was only a matter of time before the police turned up, so I had to work quickly in giving mum and dad as much of the information I had gleaned as possible. This included the type of kids I was associating with such as rapists, muggers and drug pushers.

Two hours later, while I was in the bath, there was an all too familiar knock at the door. It was Mr Brooks, the man from Luton Social Services. Brooks barged past my father, went upstairs and pulled me out of the bath. "Get ready, I am taking you back," was his greeting to me. Things were never quite the same back at Oxeden. A teacher (who the inmates called a 'Screw') followed me around wherever I went, including the toilet.

Some days after my arrival back at Oxeden a psychiatrist, whom I'd never met, came to the conclusion that I would start to self-harm myself because of the stress of the situation, an obvious ploy to enable them to send me to my next institution.

Having made their decision at this meeting, for some uncharacteristic reason, they decided to inform my mum and dad that I was being sent to a small boarding school in Kempston, two miles outside Bedford. What the local authorities didn't tell mum and dad was that according to Bedfordshire LEAs own school list this school was for maladjusted children. This however, didn't stop Bedfordshire County Council printing a denial in the Luton Press.

At the end of May 1977 I arrived at Greys House, was read the usual riot act and shown the implement that I would be caned with "if I didn't tow the line."



With only a few weeks to go before our appeal to the House of Lords Committee, I toned down my escape plans, unless a situation arose that was too good an opportunity to miss.

By the end of June 1977, our last legal avenue, an appeal to the House of Lords was turned down. On hearing this, I decided that I would leave Grey's House once and for all. On July 1st 1977 at about 1am, I jumped 10 feet from a conservatory roof, hurting my neck, and made my way home. A taxi ride later, I was home.

After a brief night's sleep, dad took me to a hospital to have my neck examined. The doctor treated my neck and I wore a collar to support it. Dad then took me to see a BUPA Psychiatrist who interviewed dad and me and made a report. His report on me was that I was a perfectly normal individual who shouldn't be in a maladjusted institution. Over the course of the following months the authorities knew where I was but only made token efforts to return me to Greys House.

During late September 1977, my dad informed me that I had been offered a place at Gresham Public School in Holt, Norfolk, but that Norris McWhirter wanted to meet the boy he was going to finance first. At the end of October 1977, I was happily settled in at Gresham's, but technically I was still in care.

My mum and dad applied to the magistrate's court in Luton. On December 19th 1977, after some robust objections from Bedfordshire County Council, I was taken out of care. Even at this late stage, Bedfordshire County Council wanted me to remain in care until I was 18, even though I was at Gresham's School. After I had been at Gresham's School for about a term or so, I was taken out of care by the Luton Magistrate's Court.

Since 1977, mum and dad have tried to get an apology from the authorities for the stigma of having their children taken into care on an educational issue. They have gone to prison on more than one occasion in an attempt to clear their names and have the facts of the case heard in open court.

We have never received an apology.