

Memorandum to the Children, Schools and Families Committee  
Inquiry into the DCSF-commissioned review of elective home education

Summary

- 1. The review misquotes or selectively quotes evidence received 1**
- 2. The recommendations are based on the misquotes, misleading observations and selective statements referred to above and therefore the conclusions are flawed 3**
- 3. The report, and indeed the questions sent out to Authorities at the beginning of the procedure, show a considerable misunderstanding and misinterpretation of current statute and case law. 3**
- 4. The report shows a misunderstanding of Elective Home Education as it is practiced leading to inappropriate recommendations. 3**

1. The review misquotes or selectively quotes evidence received

1.1. Meeting notes taken by the review team during my meetings with Mr Badman do not agree with my notes of the same meetings.

I became aware of the discrepancy after the DCSF issued me with their meeting notes following an FOI to the DCSF regarding meetings with “stakeholders” during summer 2009, after the publication of the report.

In certain key points the DCSF meeting notes do not agree with my recollection of the same meetings. Two significant inaccuracies were in particular:

1.1.1. The DCFS notes stated that *“[Alison] advocates schools holding a place open for a period of time once a deregistration has come in – would allow for an investigation of the issues and try and find a solution if appropriate.”*

I corrected this to

*“Advocates schools holding a place open for a period of time (i.e. keeping the place empty for 20 school days and not back-filling) once a deregistration has come in – would allow for an investigation of “off-rolling” if appropriate.”*

The subtlety may not be immediately obvious but I would draw your attention to clause 6 within recommendation 1 of the report *“When parents are thinking of deregistering their child/children from school to home educate, schools should retain such pupils on roll for a period of 20 school days so that should there be a change in circumstances, the child could be readmitted to the school. This period would also allow for the resolution of such difficulties that may have prompted the decision to remove the child from school.”*

1.1.2. The DCFS notes also quotes me stating that *“Periodic review of learning (no less than every 2 years) is needed. Non-engagement with LA should not be allowed. Every family should be seen.”*

which is incorrect and which I corrected to *“Periodic review provision is allowed for in law (time being a change in circumstance). Non-engagement*

*with LA is not acceptable under current case law. Contact (in writing) should be made with every family known to be home educating in the form of an informal enquiry about provision. Many families do not need frequent contact following this initial contact and some authorities do not contact families more frequently than every 2 years where there have been no concerns in the past.”*

Note in particular the phrase “Every family should be seen” words which I have never uttered to anyone in this context.

As evidenced above recommendations apparently based on my meeting notes of my meeting do **not reflect the reality of the evidence I gave**.

- 1.1.3. Upon receipt of the inaccurate DCSF meeting notes I contacted a number of other people listed in the “Annex B” of the report as having been giving evidence and found that my case was by no means unique. This indicates that the inaccuracies in meeting notes of my meetings with Mr Badman were neither unique nor exceptional, undermining the evidence basis of both report and recommendations (It is my understanding that a number of those people will also be sending evidence of the above to yourselves.)
- 1.1.4. In 8.12 of the report Mr Badman states that *“on the basis of local authority evidence and case studies presented (...) the number of children known to children’s social care in some local authorities is disproportionately high relative to the size of their home educating population”*. This is an irrelevance. “Known to children’s social care” does not equate to risk of abuse. Further on he refers to “potential additional risk” for EHE children without giving any evidence for this statement. (Further information can be found from AHED<sup>1</sup> who undertook an analysis of the actual “at risk” figures in Local Authorities.)
- 1.2. Numerous responses were received to the consultation; however quotes have been highly selective.
  - 1.2.1. Firstly there is the question of who was selected to quote. In section 4.8 list quotes from bodies who have no specialist knowledge of EHE, for example the NASUWT, a Teaching Union. Teachers have little if anything to do with home education and indeed may have little understanding of the possible breadth of education possible in the EHE environment.
  - 1.2.2. The Church of England<sup>2</sup>, who were asked to contribute, had no or little prior knowledge of EHE. In addition their quote is missing a crucial section at the end which completely changes its thrust, specifically: *“We have seen no evidence to show that the majority of home educated children do not achieve the five Every Child Matters outcomes, and are therefore not convinced of the need to change the current system of monitoring the standard of home education. Where there are particular concerns about the children in a home-educating this should be a matter for Children’s Services.”* The quote used in the document excluding this last, most important statement wrongly serves to add to the call for change rather than maintaining the status quo.

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<sup>1</sup> <http://ahed.pbworks.com/LiesDamnedLiesStatistics>

<sup>2</sup> <http://www.natsoc.org.uk/schools/electivehomeeducation.docx>

- 1.3. In contrast to the more lengthy responses of organisations the only two quotations selected from some 1500 EHE families are small and appear to be selected to undermine the validity of EHE family responses.
2. The recommendations are based on the misquotes, misleading observations and selective statements referred to above and therefore the conclusions are flawed
  - 2.1. Regarding 1.1.1 above; Mr Badman's recommendation (clause 6 recommendation 1) effectively creates a need for permission to deregister – something requiring a major change in law.  
In fact I was advocating that the child be de-registered as usual BUT that the place remain unfilled afterward for 20 days.
  - 2.2. My incorrectly quoted statement, as detailed in 1.1.2 above, has informed the recommendation 7 that officers should have right of access to the home.
  - 2.3. The incorrect assumption that “known to social services” equates to welfare concerns has led to recommendations regarding “sight of the child”.
3. The report, and indeed the questions sent out to Authorities at the beginning of the procedure, show a considerable misunderstanding and misinterpretation of current statute and case law.
  - 3.1. There is marked emphasis on procedures such as “monitoring”, tracking “educational progress” and “assessment” in the questionnaire sent to Authorities – such procedures are not legal requirements, indeed monitoring is expressly referred to as being not mandatory in section 2.7 of the Elective Home Education Guidelines for Local Authorities <sup>3</sup> thus “*Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis.*”
  - 3.2. Mr Badman confuses rights with duties with regard to education. There is frequent reference to balancing the rights of the child against those of the parent. However there is no conflict. Home education is not a right of parents per se, in fact the child has a **right to education** in both English, European and International law. In England that right gives rise to a **duty** on behalf of the parent to provide an education.
  - 3.3. There is frequent referral to the five outcomes of every child matters. These outcomes are aspirations when providing services for children. EHE is not a service provided by local authorities or other public bodies subject to the Every Child Matters agenda, therefore these outcomes do not apply.
4. The report shows a misunderstanding of Elective Home Education as it is practiced leading to inappropriate recommendations.
  - 4.1. Recommendation 2 refers to the Rose review of the primary curriculum. As there is no requirement for EHE to comply with the National Curriculum, most EHE families choose alternative approaches, including autonomous education, particularly at primary level. The Rose Review is therefore irrelevant in this context.

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<sup>3</sup> [http://www.dcsf.gov.uk/localauthorities/\\_documents/content/7373-DCSF-Selective%20Home%20Education.pdf](http://www.dcsf.gov.uk/localauthorities/_documents/content/7373-DCSF-Selective%20Home%20Education.pdf)

4.2. Comments about minimum standards at certain ages do not take account of the long view of education. Benchmarking only works with a population – it does not work when looking at an individual.

4.3. So called autonomous education is a proven method. Many of Mr Badman's recommendations would effectively outlaw this form of education.

It should be noted that this memorandum is by no means an exhaustive analysis. It concentrates on those areas in which I have expertise and which I regard as being the most important. I am confident that other respondents will adequately fill any gaps I have left.

I have already seen the negative effect this report and the recommendations contained within have had on the relationship between home educators and authorities. Indeed one Authority which was previously working very well has had virtually all communication cut from the EHE families in fear of the recommendations.

Authorities I have worked with generally do not feel they are without tools to carry out their duties. Neither is there evidence these authorities are missing cases of abuse because of the current system. In my experience many of the authorities who complain about a lack of powers to carry out their duties wrongly believe that they have additional duties that simply do not exist.

The best outcomes for all are based on positive relationships. Such relationships are more likely where a light touch and a positive attitude prevail. For this authorities need clarity in legislation and guidance, funding, suitable training and contact with the home educating community - not more regulation and draconian procedures.