



Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

27 March 2020

Petition P-05-922: Withdraw the proposed home education guidance

Dear Sirs

We refer to your letter dated 27 February 2020 regarding the above.

It is clear from the legal opinion from David Wolfe QC that we provided to you previously that if the draft guidance was issued in its current form it would be unlawful or would lead local authorities to act unlawfully.

One of the main points of the legal opinion is that the draft guidance suggests that local authorities have more powers than they actually do (such as requesting mandatory meetings) and that parents of home educating children have more obligations than they actually have (eg an obligation to meet with local authorities).

The draft guidance is misleading and unlawful.

Unfortunately, we are aware of local authorities who are already applying the draft guidance as if it had been put into place (which in itself is unlawful) and purporting to have powers or rights over home educating families and children which do not exist. This must be stopped.

The Minister for Education [said](#) that she was going to ensure that the final guidance fully took the complex legal issues into account. However, that is at odds with the comments in her letter to you of [28 October 2019](#) which suggests that she has no intention whatsoever in amending the draft guidance in respect of mandatory meetings. In that regard we refer to the petitioner's letter of [26 November 2019](#). The legal opinion states that local authorities cannot legally demand mandatory meetings which means that the minister's proposal is unlawful.

The arguments against the draft guidance are overwhelming, the same cannot be saved and should be withdrawn altogether.

Yours sincerely

Protecting Home Education Wales

protectinghewales@gmail.com