

P-05-922 Withdraw the proposed home education guidance & P-05-923 Are you listening to us? Home Education Rights and Respect!, Correspondence – Home Education Flintshire to Committee, 28.02.20

Home Education Flintshire

Dear Committee Members,

Thank you for the invitation extended to home educators to provide their views in relation to the petitions P-05-923 '*Are you listening to us? Home Education Rights and Respect!*' and P-05-922 '*Withdraw the proposed home education guidance*'. We are responding on behalf of Home Education Flintshire, a home education community group which currently has 181 members.

The petition asking for the withdrawal of the proposed guidance gained substantial support in Flintshire (and across North Wales) as the home educating community supports the issues raised by the petition that the proposed guidance is unlawful in respect of home educator's rights. The decision to home educate is not one that is made lightly and parents/ guardians take their responsibilities seriously, do so with integrity and are acting within the law. There has been an overwhelming response from home educators that the proposed guidance for local authorities is not based on an understanding and appreciation of the integrity and rights of the parents and families but insinuates that the parents are not to be trusted to make decisions in the child's best interests or to provide them with an education. There are several key areas of concern for home educators regarding the proposed guidance.

Firstly that parental authority is recognised in the guidance as a protected right, as stated in European Convention for the Protection of Human Rights and that the local authority has no right to interfere in how parents raise and educate their children, provided that that education is full time and suitable to the needs and abilities of the child.

Secondly that the current legal stance on home education is upheld, the law requires that local authorities act on the presumption that a full and suitable education is being provided. Unless there is positive evidence that the education is not suitable then the LA cannot lawfully reach a conclusion to the contrary. There is also no remit for the LA to seek out such evidence. Should such concern and evidence arise the LA already has sufficient powers and the measures already exist for the concerns to be followed up, via social services and potentially a School Attendance Order.

There is real concern regarding the suggested role and powers of the LA in the guidance. For instance language in the guidance implies that a parent has an obligation to give a reason for deregistering their child from school when they do not. The LA can request evidence and explanations but they cannot lawfully demand them.

Many parents are particularly concerned about the emphasis in the guidance on meeting with the child. The LA has the right to request a meeting with the child but there is no legal requirement for a family to agree to a meeting. In paragraph 4.21 the guidance sets out that the LA **should** see and speak with the home educated child. This emphasis and the note that a family's refusal is not a good enough reason for the LA not to meet with the child is very concerning. It suggests that families are obliged to meet with the LA when they are not. There is also the suggestion that the LA can see a child without the parents, there is no lawful basis for an LA to do so just because a child is home educated.

School education and home education are equal in the eyes of the law. Paragraph 4.24 says that *'if it is clear that a child does not wish to be educated at home although the education provision is satisfactory, the local authority should discuss the reasons for this with the parents and encourage them to consider whether home education is in the best interests of the child when clearly it is not what the child wants.'* This suggestion is unlawful not only in its presumption that school education is somehow a better option but in the implication that the LA have the right to insist on discussions with the child/ parents and that they have any role in questioning the parental choice. As far as we are aware there is no instance in which a school educated child would be questioned regarding their desire to be school educated and certainly no interference from the LA regarding the parental choice to do so. In this way the guidance makes recommendations that are a clear interference in a family's Human rights (Article 8, right to respect for private and family life) and discriminates against home educated families as the same would not be asked of other families.

It is also important to home educators that the guidance is clear on the fact that home education cannot be considered a cause for concern and is, in and of itself, not a safeguarding issue.

All families have a protected right to raise their children free from unwarranted state interference. The proposed guidance appears to diminish the right of home educating parents/families and presents itself as being based on a belief that the state knows what is best for a child above and beyond its parents. Through the language used and the duties and objectives it sets out for local authorities the guidance reinforces set prejudices and biased practices against home educators in a way that is not only unreasonable but also unlawful. It is of the utmost concern to us that rights of home educating families are upheld in any guidance provided to the local authority by the Welsh Government.

Yours Faithfully,

Leaf Pettit

Home Education Flintshire Administrator

On behalf of Home Education Flintshire