

P-04-437 Opposing compulsory registration for home educating children

Briefing Document

On

Proposals by the
Welsh Assembly Government

To

Introduce Compulsory
Registration and Monitoring for
Electively Home Educated
Children

Version 4

10th October 2012

Introduction

This document looks at the main points to consider with respect to these proposals. We examine the fact that it is not a proposal to register our children but a **licensing scheme** and demonstrate that it is **wrong** for Local Authorities to be given the **right to enter our homes and interview our children**:

- What does the law say?
- On what are these proposals based?
 - research
 - public views of 'safeguarding' issues
- How do electively home educated children perform?
- How do the prospective monitors perform (Education Departments)?
- What are the risks of taking these proposals forward?
- What are the alternatives?

It will be demonstrated that not only do the proposals breach basic legal principles but that they are based on research that did not study electively home educated children. Further, ideas that children who are electively home educated are 'at risk' are misguided in the extreme.

Outcomes for children will be shown to be considerably better when electively home educated than educated at school and Local Authority performance in education is demonstrated to be lacking.

You are challenged to read the facts and still support this proposal.

Wendy Charles-Warner

Executive Summary

The Legal Position

- Primary responsibility for education resides with the parent – not the state
- Assumption of compliance with law is a basic legal tenet – the change would do irrevocable harm to the parent’s relationship with the state
- Conflicting legislation will leave the way open for judicial review
- Giving the state primary responsibility leaves the state open to litigation for education negligence where currently they are not liable
- Powers are currently sufficient to intervene in cases of educational negligence
- Home education is a private issue, not a public one

The Basis for the Welsh Assembly Government Proposals

NBAR

- The review was conducted on EOTAS (Education other than at school) services provided by the local authority – not home education – with particular emphasis on school attendance
- No home educating parent or home educated child was studied or spoken to during this review
- The report makes statements about home education without studying it in any way whatsoever
- The report makes recommendations about legislation surrounding home education and its assessment without studying it in any way whatsoever

The Basis for the Welsh Assembly Government Proposals

Bridgend Research

- WAG has published this report with several alterations to the original as published by the researcher, several of which are specifically geared to give wholly wrong impressions of the views of EHE families
- WAG is in breach of contract in using the research to further their interests as interviewees agreed to the interviews for specific purposes
- Recommendations at no time support the introduction of compulsory monitoring and registration, only informal registration having been researched not compulsory registration.
- Registration and monitoring is not the way forward

Safeguarding including Crime

- Safeguarding is used disingenuously to excuse intrusions which are based on rumour and fear rather than on evidence
- Case studies show that where serious harm or death occurs in home educated children, those children are without exception already known to be or suspected to be at risk and therefore already in the system
- Evidence suggests that on average home educated children, although more likely to be scrutinised by social services than their schooled peers, are less likely to be at risk (between 0.061% and 0.123%) than all children in Wales (0.461%) ie at between 1/7th and 1/3rd the risk
- 4.9% of all children aged 10-17 living in Wales committed a crime resulting in a disposal during the last year for which this data is available (Youth Justice Board), compared to 0.93% of all children aged 10 -17 years who are EHE and known to their LA. (Adding in the unknowns who of course have not committed a crime, else they would be known, reduces this percentage by at least half)

Outcomes for Electively Home Educated Children

- Wales underperforms educationally compared to the rest of the UK
- Studies from across the world consistently show outcomes from home education to be better than the average for the population
- States where there is registration do not outperform those without and there is some evidence to suggest registration may have a negative effect.
- Welsh home educators are shown in a recent survey to be outperforming their schooled peers

Local Authority Performance in Wales

- The proposals give powers of entry to LA officers that even the police do not have
- The proposals punish the child rather than the parent for non-compliance
- Welsh Local Authorities (LAs) are not good at complying with current legislation regarding home education, thus not instilling confidence that they would be able to comply with additional duties
- LAs are already facing considerable criticism by Estyn for multiple failures. Two are already in special measures
- LAs are already under financial pressure – more duties would merely add to that pressure thus depriving more needy areas of duty to become neglected

Risk

- Proposals are based on research that was seriously flawed and therefore WAG could look inept or even very foolish
- Similar proposals have already been debated at length in the UK Parliament and defeated. Repeating the exercise could be interpreted as WAG being unable to act independently or be innovative
- The proposals make WAG appear old fashioned and oppressive
- Many EHE parents are entrepreneurs who will leave Wales therefore ceasing to contribute to the economy.
- Changing the duty to ensure a suitable education from the parents to the state will leave LAs open to litigation from children who feel that they have been failed. Judicial review is a very real possibility
- WAG would look uncaring and inept serving School Attendance Orders on vulnerable previously bullied or autistic children because they did not follow the demand for meeting face to face with the Authority. There is a very real risk in the increase of suicide
- A recession is not a good time to be spending copious amounts of money on a new scheme which is shown to be not needed. Costs of monitoring, training, extra school places and court procedures would add up quickly.
- Similar schemes abroad are proven to be ineffectual. WAG would be seen to be diverting attention away from the real problems with state education in Wales to a quietly, and already, succeeding minority
- The proposals will be counter-productive as families will 'go underground' as was the case when monitoring was introduced in Canada.
- The risk of public demand to extend the provision. Under 5s are the children at greatest risk of abuse and neglect in our society, if lobby groups pressed to extend the provision to those children, or even to school children during holidays, the resource implications would be enormous

Alternative Actions

There are a great many cheaper, more effective alternatives that will also encourage engagement with LAs which include:

- Payment of exam fees or provision of places at exam centres for EHE children
- Access to school libraries, after school clubs or sports facilities
- Opportunity to flexi-school for those who may want it
- Termly grants to help pay for learning materials