

P-05-922 Withdraw the proposed home education guidance, Correspondence – Petitioner to Committee, 27.01.20

1. The Minister's letter does not adequately address the issues that were raised in the Petition, namely, that the Guidance should be withdrawn for the reasons set out in our previous communications. I have now had time to consider the Welsh Government summary report on the consultation responses (the Report) and it strikes me that the minister has not specifically addressed the issues raised in the legal opinion from David Wolfe QC. Mr Wolfe is a renowned expert in education and public law, consequently, his advice is weighty. I appreciate that such report probably would not be the right document to respond to the legal advice, but given the relevance and serious issues mentioned in it I would expect that the WG would have responded to it by now. On the contrary, I have been told by Protecting Home Education Wales that no response has been received from the Minister, other than that the legal opinion was going to be considered jointly with the other responses. Now that the Report has been issued I require that the Minister explains how she proposes to address the concerns raised in the legal opinion. It should be noted that there are other legal concerns regarding the Guidance, some of which are mentioned in the Report. The Report shows that the majority of respondents strongly disagree with the draft guidance. It is also clear, that the local authorities and other interested parties who responded in favour of the Guidance do not appear to have provided any evidence to support their arguments, whereas the contrary can be said in relation to the responses from individuals and home education organisations, such as PHEW. Their responses have provided sufficient information and detail supporting their views. The legal opinion being just one example.

2. As stated previously the Guidance should be withdrawn. The issues raised by the legal opinion go to the root of the Guidance to such extent that the current Guidance cannot be saved. The Welsh Government cannot go ahead with the Guidance without rewriting it almost in its entirety which would require a new consultation from scratch. On that basis, the current Guidance should be withdrawn. It is disappointing that the Minister has not even initiated discussions with PHEW or any other stakeholders on how it proposes to address the concerns set out in the legal opinion, but that cannot be used to prejudice the result of my petition.

3. In relation to your meeting on 4 February, I would urge you to provide the opportunity for me and representatives from PHEW to attend the committee meeting to answer questions and provide further insight into this issue.

Best wishes