

30th June 2018

Dear Sir/Madam,

Open consultation 'Home education: call for evidence and revised DfE guidance'
as published 10th April 2018 (the consultation).

Education Otherwise objects to the consultation on the following grounds:

1. The primary stakeholders (i.e. families who educate otherwise than at school) were not invited to participate in the formative stages of the consultation.
2. Other than posting the consultation on the .gov website, no effort has been made to reach the primary stakeholders via organisations, groups, and individuals known to the DfE (e.g., Education Otherwise, Home Education Advisory Service, Home Education UK, Ed Yourself, Educational Freedom, to name but a few).
3. Similarly, no request has been made for Local Authority EHE departments to reach out to the local home education community - or if it has, Local Authority officers have ignored it
4. A number of principles set out in government consultation guidance have been ignored e.g.: principle B is not adhered to in respect of the draft guidelines as they are well beyond the formative stage; principle A regarding plain English and lengthy documents appears to have been ignored; and Home educating families have not been considered and consulted as laid out in Principles F, G and H.
5. EO is deeply concerned that the clarity, and therefore the value, of existing guidance for home education has been lost in this draft guidance. For example, the draft guidance section 5.3 effectively encourages local authorities to create their own system for monitoring or oversight. Only the courts can decide whether a local authority has acted in a reasonable and proportionate manner; it is not for local authorities to decide what is reasonable and proportionate. Guidance issued by government should define the parameters within which local authorities are required to operate, and not abdicate responsibility to individual local authorities.
6. EO is well aware of the lack of compliance with current guidance by local authorities, many of whom regularly demonstrate bad practice including:
 - Misleading families that home education related visits to the family home are a legal requirement, when they are not.

- Misrepresenting local authority powers, claiming the LA has a statutory duty to make a safeguarding visit.
- Demanding a meeting with the family under threat of prosecution or referral to children's social care if they do not comply, despite the family providing information to the LA about their education provision and the LA expressing no specific concerns.
- Demanding evidence from parents from the outset as though a s437 process was in train, even where there is no appearance of the education not being suitable.
- Demanding that parents have a timetable and set working hours, and requiring them to teach specified subjects for specific periods of time each day.
- Unlawful data sharing, particularly with GPs, Health Visitors and School Nurses.
- Referral to children's social care on the sole basis the child is home educated.
- Doorstepping at family homes and demanding access, responding with threats of referral to either children's social care or the police when parents rightfully reject the LA's approach in this manner.
- Demanding sight of the children and/or samples of the child's work, and/or demanding that the child perform some educational 'act' for the LA officer.
- Demanding the 'voice of the child' is heard by the LA officer.
- Insisting parents present evidence in the manner the LA officer stipulates (e.g. requiring a report by a third-party education professional involved in the child's education, or photographic evidence of the child at an event or group meeting with other children, or completed worksheets showing compliance with the National Curriculum, etc.).
- Employing persons in HE-related roles who are either unqualified, inexperienced, biased, or otherwise opposed to families educating otherwise than at school.
- At professional gatherings, presenting 'stories' about families in the LA's area that disparage home education and home educators (e.g. AEHEP meeting notes and emails obtained through FOI requests).

It is EO's position that extending an open invitation to local authorities to make up policy and systems that they consider reasonable and proportionate is an unacceptable approach to home education in England.

7. EO requests the DfE abandon this current consultation and leave the current guidance (EHEGLA) in force. EO further requests that the DfE commit to a proper consultation process whereby the views of home educators on the issues that affect them are sought, carefully considered, and then effectively addressed in any future consultation on guidance.

8. In so far as the Call for Evidence is concerned, the views and concerns of home educating families must be sought before drawing up any questions calling for evidence. The current consultation is clearly designed to appease the ADCS and AEHEP, who are promoting their agenda through fear not facts. Appeasing local authority lobbyists is not a sound basis for policies that affect tens of thousands of law-abiding families.

Yours Faithfully,

Fe Mukwamba-Sendall, Tom Crellin, Graeme Evans, Sarah Willans
Trustees