

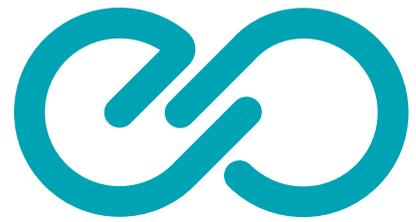


EDUCATION OTHERWISE
Different and equal

Home Educating Families' Views of Local Authority Requests for Samples of Children's Work

April 2022





EDUCATION OTHERWISE

Different and equal

Home Educating Families' Views of Local Authority Requests for Samples of Children's Work

April 2022

Copyright © Education Otherwise (2022)

All rights reserved. No part of this publication may be reproduced stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior written permission of Education Otherwise Association. This publication may not be lent, sold, hired out or otherwise disposed of by way of trade in any form of binding or cover other than that in which it is published, without the prior consent of Education Otherwise Association.

Education Otherwise Association is charity (UK Charity reg. no. 1055120)

61 Bridge Street, Kington HR5 3DJ

www.educationotherwise.org

Cover image: © Kateryna Buchynska | Dreamstime.com

Contents

Abstract	4
Background	5
Method	5
Results	6
Discussion	10
Conclusion	12

Abstract

Increasingly, Local Authority (LA) staff in some areas are seeking samples of children's work from home educating parents. A survey of 2,217 home educating parents indicated that 62.9% of those parents perceived LA staff as unqualified to assess their child. Of the parents surveyed, 32.97% perceived LA staff as trying to force them to use a school style approach and 20.34% of the parents surveyed perceived LA staff as implying that the parent was potentially deceitful by seeking proof of what the parent had stated.

It is without doubt that public bodies need trust to develop in relationships with members of the public in order to fulfil their duties. This survey finds that the seeking of samples of a child's work is adding to the increasing divide between home educating families and their LAs. It is incumbent upon the DfE and public bodies, to recognise the harm being done to relationships between home educating families and LA staff and to work cooperatively with those families to improve those relationships.

Unless otherwise stated, all quotes used in this report are from home educating parents.



Wendy Charles-Warner

Co-Chair, Education Otherwise

Background

Home educating families reported a rise in Local Authorities (LAs) asking for samples of children's work toward the end of 2020. By spring 2021, numbers of LAs seeking samples of work had risen and parents were increasingly reporting their concerns over this practice to Education Otherwise and to home education groups online. Some LAs were stating to parents that failure to provide samples of a child's work would result in a School Attendance Order (SAO) being served.

Parents in some LA areas approached their LA to seek to mediate their concerns, but anecdotal reports indicate that this was unproductive. Education Otherwise approached the DfE in respect of this situation and received confirmation that although LAs can ask a parent to provide samples of work, they cannot serve SAOs on the basis of a parent not providing such samples, unless there is reason to believe that the education being provided by the parent is not suitable. Notwithstanding, the DfE was (at that time) unprepared to intervene on behalf of parents in LA areas where this practice was in place.

Parents in Portsmouth City Council (PCC), having sought to negotiate the situation with their LA, took a case in Judicial review¹. The outcome of the case did not change the law in any respect having found that:

'(PCC) does not have a policy of issuing an NTS² in circumstances where it has no concerns.'

'The fact that, in the present case, the claimant's report has not been sufficient, does not mean that the defendant will take the same view of a report submitted in another case.'

'The fact that a parent may, for example, not teach the National Curriculum, give formal lessons or mark the child's work does not absolve the parent from the practical requirement to show that the requisite education is, in fact, being received by the child and that it is suitable to his or her needs. Nor does it mean that the local authority is necessarily compelled to accept merely assertive statements by the parent.'

Parents' reports indicate that somewhere in the region of 40 English LAs have taken this judgement to mean that they can ask for samples of a child's work in every case and that they can serve a Notice to Satisfy (NtS), or SAO if such work is not provided. This of course raises the question of whether parents are content to provide samples of their child's work to the LA and if not, why parents do not wish to do so.

'We're in the firing line because we are different. We are unusual. We don't conform. No, we don't conform to the norm of sending our children to the state to educate.'

HE parent

Method

Home educating families report their concerns about their LAs to Education Otherwise and on home education online support groups. These groups are widely used by home educating families and are therefore a suitable means of obtaining a wide range of survey responses.

1 Goodred v Portsmouth City Council [2021] EWHC 3057 (Admin) (16 November 2021)

2 NTS: Notice to Satisfy. A notice under the education Act 1996 s437 which requires a home educating parent to satisfy the LA that the education provision is suitable.

A survey was launched on a national home education group with 18,800 members. This group is specifically used by families for discussing legal concerns related to home education.

The survey provided a facility for home educating families to add categories to the available responses in order to avoid any bias in reason selection. Parents who were unwilling to share samples of their child's work with their LA were asked to state their three main reasons for their decision not to do so.

The methodology use has limitations in that wider surveying of home educating families who do not use online groups could possibly find greater numbers of parents who are content to provide samples of their child's work to their LA. However, this does not detract from the findings, as these findings make clear that a large body of parents are not content with these issues and hearing their voices is important.

Results

A total of 3,823 survey responses were received. Not all parents who did not wish to share their child's work provided three reasons in the survey and a minority provided more than three reasons.

Responses were received from 2,217 individual parents. Fifteen (0.68%) of those parents were content to share samples of their child's work with their LA.

That LA staff are unqualified to judge the child's ability and progress was cited as a reason given for not wishing to share the child's work by 1,390 (62.69%) parents (Fig. 1).

'By asking for samples, it seems they actually have no idea of what HE is and therefore aren't fit to judge.'

'I have seen so many badly written letters from education staff that no way would I trust them to judge my child: poor spelling, poor grammar and clumsy English.'

'They have no idea of my child's abilities and disabilities, so are completely unable to judge her progress.'

'As an ex-teacher and unschooler, my primary objection is that sending standalone pieces of work is completely meaningless. How will they know if this is typical for the child? Did they do it independently or supported? Does it show progress over time?'

'They do not know my child and cannot judge my child.'

'My six year old could write a degree level essay if I wrote it out and let her copy it over a period of several weeks. Or she could write one short sentence completely independently in half an hour with multiple spelling errors.'

'I already know they are not qualified to judge my child's progress because the school-like standards that they keep insisting on have already proven to be unsustainable for his mental health! Why on earth do they think I deregistered him in the first place.'

'Until they are not focussed on paper type work and proving things with examples, then they are not at our level and could not understand it.'

Three most cited reasons why HE parent does not wish to provide copies of work

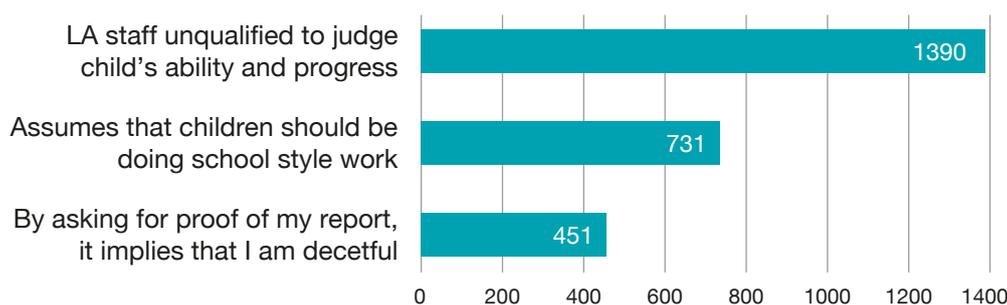


Fig. 1 Most cited reasons why a parent does not wish to share their child's work.

A total of 731 (32.97%) parents cited an assumption by LAs that home educated children must do school style work as their reason for not wishing to share work samples. Some of these parents referred to their view that samples of work are pointless as an assessment tool.

'Often, the EHE officer doesn't have a clue about home education and bases their idea of 'suitability' on schooled peers.'

'My child was failed at school and could not read or write at all at 9 years old. Six months later the LA said that my education provision was unsuitable because she was reading and writing at the level of an 8 year old.'

'Samples of work on paper aren't a good way of assessing the learning that's going on, which is largely not reflected in that paper-based outcome. It's actually a lot more effective to read a parent's qualitative evidence of the learning that is going on.'

'Two pieces of work might look nearly the same, but the parent will know that the second one took the child much less time and effort and that they have really improved their writing confidence.'

'Samples are meaningless. They can be faked so don't add credibility. Making it 'the norm' causes systematic harm to those children who can't give samples through their individual learning style.'

'It's even worse when you know that they are checking to see that you are following their unevidenced and failing school system.'

Parents frequently express distress at being asked for 'proof' of what they say in an education report on the basis that it implies that they are deceitful. Responses from 451 (20.34%) of parents cited this reason for not wishing to provide samples of work.

'I have been through the family courts several times and my witness statements have been accepted by the court. Why should the LA demand more from me than a court of law does?'

'The biggest issue I have is that they don't believe my report, basically accusing me of lying. A photo shows nothing but a split second in time, it shows and proves nothing it's out of order the way parents seem to be getting treated.'

'That attitude goes right against that relationship that the DfE wants to foster between parents and local authorities.'

'It's a bit of a cheek really, isn't it? A stranger thinking that they are superior, can judge something harshly because they have a bad day, or they just don't like what they see.'

'Your GP doesn't come to check your cupboards for poison, your dentist doesn't inspect your bathroom for the type of toothpaste you use, your supermarket doesn't rock up to riffle through the vegetables...they accept what you say. So why on earth would you want these untrained (often ignorant of home education) people in your house making assessments?'

Parents expressed suspicion of LA staff and their motives, with strong sentiment expressed about protection of parental rights and the rights of the child. Parents referred to wanting to protect their child's rights to not do, or share written work (207, 9.34%) (Fig. 2). Other responses included: parents want to protect their privacy (142, 6.41%); children do not want to share their work with a stranger (155, 6.99%); by demanding proof, it feels like my LA is treating me like a criminal (52, 2.35%); it is mission creep, if we give them an inch they will take a mile (86, 3.88%); why support the view that they know more about my child than I do? (39, 1.76%); I know that the LA is looking to fail me (16, 0.72%) and we are not legally required to share work with a stranger and should not be forced to do so (138, 6.22%) cases. It was concerning that 4 respondents felt that their LA would judge them negatively on the basis of them using their mother tongue in the education provision.

Many home educating families follow an unstructured or child led education method and these parents express particular concern about that method being damaged by requests for work samples. Parents stated that they do not do written work in 168 cases (7.58%) and this concern is further borne out by 32 (1.44%) parents stating that seeking work samples undermines their education style.

'Home educated children shouldn't be obliged to produce work on paper simply to satisfy a council's ridiculous requirements.'

'In 4 years of EHE, I wouldn't have any 'samples' to show them. That is not how we work.'

'He can tell you the history of Ireland and folklore of Cornwall and is at GCSE standard in maths. He plays the guitar beautifully, can use articulate language and write songs. He loves art and gaming and is extremely engineering minded; he builds all sorts of things. It is hard to show that in writing.'

Responses showed unhappiness with time taken away from the child in 102 (4.6%) cases and a level of resentment about that time taken from educating the child was clear amongst some parents with 18 (0.81%) stating that if LAs want work, then they should pay for it. A further 52 (2.35%) parents referred to the child being the responsibility of the parent and 11 (0.5%) stated that they do not need LA validation to know what their child is doing.

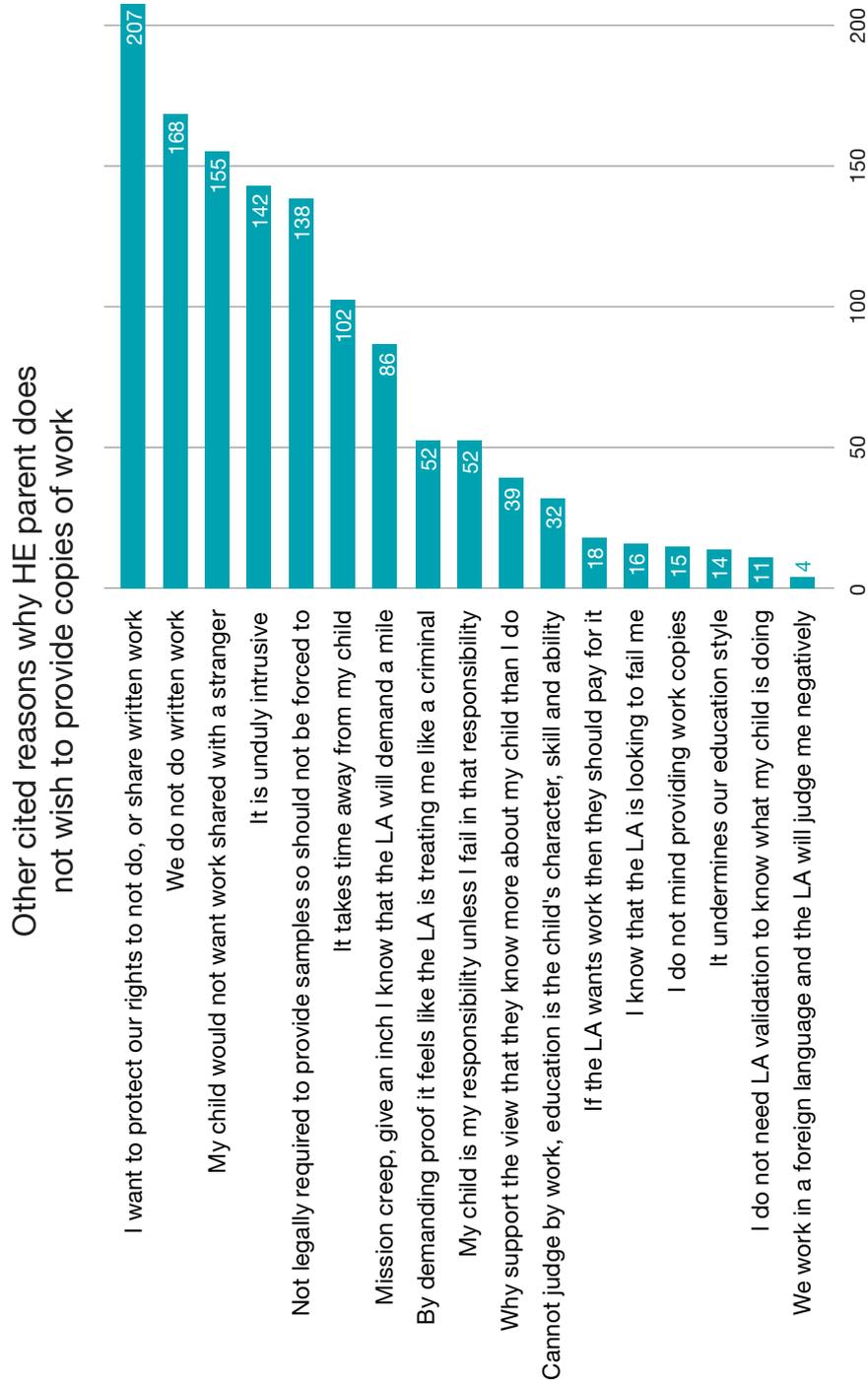


Fig. 2 Other cited reasons why parent does not wish to provide samples of child's work.

Discussion

Education Otherwise has been clear in all discussions with public bodies that it is imperative that the growing divide between home educating families and public bodies must be narrowed and preferably, closed. The DfE has been no less clear that it wants LAs to establish positive relationships with home educating families³ and the clear benefit to children of removing stress and discord from those relationships is unarguable.

Preliminary findings in ongoing research⁴ in areas where relationships between LA officers and home educating families are positive, indicates that those staff are respectful toward parents and do not seek more information from those parents than the minimum required to fulfil their duty. Initial indications are that those areas have a higher incidence of face-to-face meeting with parents and low levels of parental complaints. In cases where there are reasonable concerns that home education may not be suitable, LA officers in areas identified as 'positive' by parents are more robust in their enquiries. Feedback from families in those areas indicates that they are accepting of more robust enquiry in individual cases where there are genuine concerns. This report cannot pre-empt the findings of this ongoing research, but these early indications support the view that divides between home educating families and public bodies are narrowed where families perceive the LA officers as being respectful and reasonable.

Parents approaching Education Otherwise and support groups, express concern over the possibility of their approach to education being damaged by their LA, or by draconian regulation. Many children who have an unstructured education do not produce school style 'work' and those children nonetheless go on to attain their potential. Requests for work samples are particularly worrying for this subset of home educators. This recent change in approach from some LAs has raised passionate comment from parents:

'They are narrow minded and regimented in their approach. They need to broaden their spectrum on the different styles of home education, they could learn to better support the home education community rather than belittle and harass.'

Parents express deep unhappiness at what they perceive as 'bullying' or 'nasty' conduct by their LAs:

'The point is, they're asking for what they're not entitled to and too many times if parents don't give it, things turn nasty.'

'Why should they get away with bullying us when we are the ones acting lawfully?'

This perception on the part of parents that LA staff are 'bullying' or 'nasty' is frequently found in response to requests for samples of a child's work where this is accompanied by statements that without such samples, an NtS or SAO will be served. The perceptions of these parents are readily disseminated in our age of instant communication; many public officials have commented on the speed of this dissemination and the effectiveness of home education networks. That effectiveness brings concepts of 'nasty bullies' in the guise of LA staff, to parents throughout the UK, many of whom live in areas where LA staff are in practice doing an excellent job and working well with home educating families. The result

3 See for example the Elective Home Education Departmental Guidance for Local Authorities par 5.4.

4 Due for publication 2022

of this situation is that divides between families in areas where LA staff are negatively perceived, has a detrimental effect on areas where LA staff are positively regarded by families. The divide widens.

Earlier research⁵ found that 38% of parents referred to negative reasons relating to schools, including concerns about safeguarding in school, as their main reason for home educating their children. Parents do not necessarily separate LA staff dealing with home education, from staff dealing with complaints, concerns and insufficiencies relating to schools: they are all part of the state education system. Clearly, in cases where a parent has decided to home educate their child due to negative reasons relating to state education, the LA home education officer starts their relationship with those parents on the 'back foot'. If those officers subsequently seek samples of a child's work and are then perceived by the parent as unqualified to assess their child (62.69% of parents), trying to force the parent to use the school style approach which has already failed their child (32.97% of parents) or suggesting that the parent is deceitful (20.34% of parents), then that officer will have a steep, uphill struggle to form a positive, or mutually respectful, relationship with the parent.

'The state school system is broken and unfit for purpose. We should remember that we are the holders of our children's future (and their children's future) and we want better for our children and their children. We want a suitable education, tailor made and crafted with love, with care, with knowledge of what those children can do and what they want to learn. We, as their parents, have to hold the line. We have to hold back the constant threat of being engulfed by the state completely. Home education is always being attacked, but we have to keep it alive and thriving.'

'My first instinct when they ask for samples is "Who the hell do you think you are!" Making the decision to pull my 3 kids out of school was the hardest decision of our lives and I find it so patronising for someone to 'check' we are doing it right. Someone I don't even know.'

'If the education authority were REALLY interested in how kids' education was going, they wouldn't be failing them so monumentally in schools!'

'When our child was in school the LA didn't want to offer any acknowledgement of or support her SEN so why should they be nosy now.'

Trust is crucial in relationships with public bodies and requests for samples of a child's work, particularly when under threat of serving an SAO, damages trust.

'Trust is the foundation upon which the legitimacy of public institutions is built and is crucial for maintaining social cohesion. Trust is important for the success of a wide range of public policies that depend on behavioural responses from the public.'⁶

Additional concerns were raised by parents in respect of data protection relating to children's work. Parents referred to schools not retaining children's work and sending it home with the child each term, whereas their LA has a policy of retaining any work samples and photographs provided, in some cases, for up to 25 years. This is perceived by parents as a lack of transparency about record keeping. Lack of trust extends to parents' concerns in

5 Charles-Warner, W (2020) 'Home Education Trends: The Covid Effect'. Education Otherwise [Online] available from: <https://www.educationotherwise.org/category/research/>

6 OECD (2021) 'Trust in Government'. [Online] Available from: <https://www.oecd.org/gov/trust-in-government.htm>

respect of who would view the child's work and what expectations that work would be judged against. This is particularly concerning in areas where parents have submitted work samples which have been sent to school teachers for marking against school-based criteria.

'There is a complete lack of transparency about what they will do with the work. Who is looking at it, what are their expectations, what criteria is it being judged against? I have a complete lack of trust this would be done properly.'

A minority of parents who were content to provide samples of work to their LA (2 of 15) expressed sympathy for the difficulties that they perceived LA staff to have in deciding whether home education was suitable or not: *'I don't mind sending work copies because I think their job is tough if we don't.'* In other cases where parents were content to provide samples of work, it was based on the child's wish to proudly display their achievement to others: *'She loves it when people come in and tell her how well she is doing.'* Nonetheless, it is concerning that in a situation where LAs are increasingly making requests and even demands for work samples, only 0.68% of families would provide these willingly.

Anecdotally⁷, some LA staff express the view that home educating families would provide samples of work if the home education was suitable and that refusal to do so must indicate lack of suitability. It seems clear from parental responses that the situation is far less simplistic than this and that home educating families feel resentful of that type of approach.

Conclusion

Home educating families come from diverse backgrounds and have many different approaches to the education of their children. This survey demonstrates that those parents are passionate about their children's education and equally protective of theirs and their children's rights to privacy, respect and to be treated lawfully.

Comments and responses made by parents highlight the level of distrust that they feel in their LAs and how demands made by one LA that are perceived as unreasonable, can affect the relationships of LA staff throughout the UK.

Parents feel resentment that they are perceived as deceitful, that LA staff do not understand home education and that LA staff appear to be seeking to judge home education from a school based perspective. From resentment grows distrust and from distrust grows division. It is incumbent upon the DfE and public bodies, to recognise the harm being done to relationships between home educating families and LA staff and to work cooperatively with those families to improve those relationships.

⁷ Personal discussion with LA staff from one region December 2021

About Education Otherwise

Education Otherwise is the foremost Charity across England and Wales that promotes and supports the right of a parent or guardian to choose to home educate their child. One of our key aims is to direct the narrative associated with home education and parental choice in order to promote the development of greater understanding of the right of a parent, or guardian, to choose the best education for their child.

Our name comes from the Education Act, which states that parents are responsible for their children's education, 'either by regular attendance at school or otherwise'; the fact is that education is compulsory, but schooling is not.

We offer a targeted range of services and tailored information based on proprietary research. Importantly, we also liaise and work directly with individuals, public and private organisations and Government bodies.

Wendy Charles-Warner

Co-Chairperson



EDUCATION OTHERWISE

Different and equal

Education Otherwise Association
61 Bridge Street
Kington HR5 3DJ

Helpline: 0300 1245690

w: Educationotherwise.org

e: enquiries@educationotherwise.org