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Wales Home Education: Changing Relationships



Different and Equal

Home Education Wales: Changing Relationships

Parents home educating in Wales have traditionally reported their local authorities to be supportive and positive. Relationships have been mutually respectful for many years, in most areas, whilst complaints made to Education Otherwise and support groups about local authority officer practice in Wales have been significantly fewer per capita than in England. However, parents and local authorities alike have expressed concern in respect of how changing government policies have affected the nature of those relationships.

As far back as 2010, Welsh Ministers and civil servants were mooting introduction of close monitoring of home educated children and the possibility of mandatory meetings. Parents were alarmed by this sea shift of approach and raised concerns about unwarranted interference in their families and privacy, lack of understanding of individual approaches to education, stigmatisation of home educating families and the effect which any change in legislation and guidance could have not only on their whole educational approach, but also on their children.

On 12th May 2023 the Welsh Government issued new Elective Home Education Guidance¹ about which home educating families expressed significant reservations, specifically the emphasis placed on local authorities meeting and talking to children. Education Otherwise acted on behalf of its members and service users to challenge this guidance and on 12th August 2023 the Welsh Government agreed to amend the guidance to make clear that each case must be considered on an individual basis; a crucial point for families.

Six months on from the introduction of the new guidance, this report examines how home educating cohorts have changed and how parents have experienced their relationships with their local authorities under the new regime.

Wendy Charles-Warner
Education Otherwise
February 2024

¹ Welsh Government (2023) 'Elective Home Education Guidance' Document number 289/2023 [Online] available from <https://www.gov.wales/elective-home-education-guidance> Amended to 292/2023

Executive summary

Both parents and local authority staff were hopeful that new home education guidance published in Wales in May 2023 would work well for children and support positive relationships. Home educating families were surveyed in June 2023 and again in January to February 2024 in order to ascertain what, if any effect the guidance has had on relationships between parents and local authority staff.

Findings are concerning with relationships appearing to be damaged.

- In June 2023 only 7% of parents described their relationship with their local authority as negative or very negative. In 2024 that figure had risen to 17%.
- In 2023 51% described their relationship with their local authority as positive or very positive. In 2024 that figure had fallen to 42%.
- Parents who previously did not previously meet the local authority officer reported now doing so in 3.6% of cases. However, 6.4% who had previously met with their local officer now do not do so.
- There is a clear north south divide with relationships between parents and local authorities in the north described as the same or improved and parents in 13 of 15 local authorities in the south reporting worsened relationships.
- Many parents reported individual officers on the ground as using positive practice and blamed Welsh Government and senior management for damaging relationships.
- New guidance appears to have had an iatrogenic effect on both relationships and form of engagement between home educating families and local authorities.

Recommendations:

Welsh Government improve its offer in schools for children with mental health issues and ALN.

Welsh Government review guidance to make clear that only in cases where there is reasonable cause for concern should face to face oversight be strengthened.

Home educating families should report local positive practice in order to encourage less positive regions to emulate that practice.



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The background

Home education is a legal choice within the United Kingdom and parents can choose to home educate at any point. It is the duty of the parent to ensure that the child receives a suitable education:

Education is the duty of the parent: Education Act 1996 s7

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable:

(a) to his age, ability and aptitude and

(b) to any special educational needs (in the case of a child who is in the area of a local authority in England) or additional learning needs (in the case of a child who is in the area of a local authority in Wales) he may have, either by regular attendance at school or otherwise.*

Local Authorities have a duty to make arrangements to identify children who are not receiving suitable education:

(EA) 436A Duty to make arrangements to identify children not receiving education

(1) A local authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but—

(a) are not registered pupils at a school, and

(b) are not receiving suitable education otherwise than at a school.

(2) In exercising their functions under this section a local authority must have regard to any guidance given from time to time by the Secretary of State.

(3) In this Chapter, "suitable education", in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have (in the case of a local authority in England) or suitable to the child's age, ability and aptitude and to any additional learning needs the child may have (in the case of a local authority in Wales).

There is no set definition of suitable education in legislation, but education is considered to be suitable:

'if it primarily equips a child for life within the community of which he is a member rather than the way of life in the country as a whole, as long as it does not foreclose



*the child's option in later years to adopt some other form of life if he wishes to do so.*²

A local authority should serve a notice on a parent, under the Education Act 1996 s437 if 'it appears' that a child's home education is not suitable, requiring the parent to satisfy it of suitability. Should the parent fail to satisfy the local authority following service of an Education Act 1996 s437 notice, the local authority should serve the parent with a School Attendance Order.

Longstanding legal precedent³ has found that a local authority may make an enquiry of a parent in order to ascertain whether or not its duty under the Education Act 1996 s437 is triggered:

'Where an authority has a duty to take action in particular circumstances, it also has a duty to be alert in order to detect the possibility that those circumstances exist...The most obvious step to take is to ask the parents for information. Of course such a request is not the same as a notice under section 37(1) of the Education Act 1944 and the parents will be under no duty to comply. However, it would be sensible for them to do so.'

It is against this background that Education Otherwise has worked with Welsh Government officials and with local authority staff, in order to support and maintain positive relationships between those staff and home educating families. In fact, our 'Kit Award' for excellence, awarded to local authority home education staff for excellent practice, is based on a former Welsh local authority officer who was inspirational in repairing broken relationships in his region and developing positive relationships which worked well for all stakeholders.

Home education is frequently misunderstood and maligned, including by public bodies and officials. This is the case amongst a minority of officials in Wales, but that minority has at times been vocal in denigrating home education and calling for tight controls. In 2011 the then Children's Commissioner for Wales, started to use her position to press the Welsh Government into introducing mandatory meetings between home educated children and local authority staff, citing home education as a safeguarding concern⁴. This notwithstanding that reputable research conducted in Wales and the United Kingdom as a whole, makes clear that home education is not a safeguarding risk.

² R v Secretary of State for Education and Science ex parte Talmud Torah Machzikei Hadass School Trust. QBD, CO/422/84

³ Phillips v Brown 1980, QBD NO 424/78

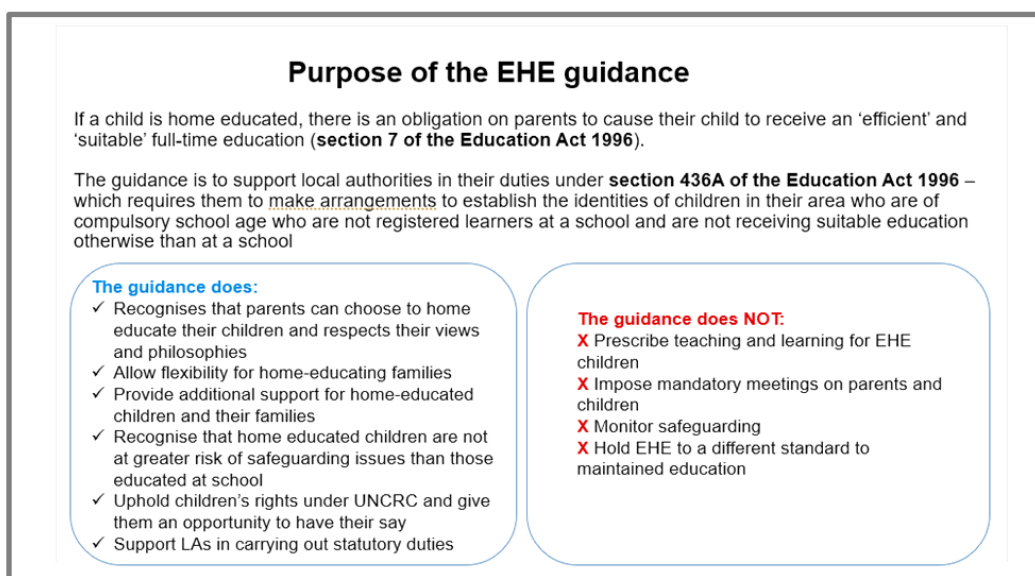
⁴ Sally Holland in correspondence with Welsh ministers, copies disclosed through Freedom of information requests.

Proposals were put forward for new home education guidance which would have changed the landscape of how home education is assessed in Wales. As a result, home educating families in Wales were deeply concerned at what they considered to be untrue and insulting suggestions about their care of their children and the move to invade their privacy on the basis of fallacious claims of abuse.

In 2017 similar proposals to those of 2011 were consulted on by Welsh Government. These proposals for new guidance were considered by home educating families to be draconian and parents were passionately opposed to them being implemented. A consultation response was issued by Welsh Government on 31st January 2022, but which appears to have been withdrawn from public access shortly thereafter.

New home education guidance was published on 12th May 2023⁵. Education Otherwise acted on behalf of its members and service users to challenge this guidance and on 12th August 2023 Welsh Government agreed to amend the guidance to make clear that each case must be considered on an individual basis, a crucial amendment for families.

Meanwhile, the Children’s Commissioner for Wales, Ms Rocio Cifuentes convened a joint meeting with Welsh Government civil servants in June 2023 during which service leads responsible for home education policy confirmed that the guidance “*Does not impose mandatory meetings on parents and children*”.



Purpose of the EHE guidance

If a child is home educated, there is an obligation on parents to cause their child to receive an 'efficient' and 'suitable' full-time education (**section 7 of the Education Act 1996**).

The guidance is to support local authorities in their duties under **section 436A of the Education Act 1996** – which requires them to make arrangements to establish the identities of children in their area who are of compulsory school age who are not registered learners at a school and are not receiving suitable education otherwise than at a school

<p>The guidance does:</p> <ul style="list-style-type: none">✓ Recognises that parents can choose to home educate their children and respects their views and philosophies✓ Allow flexibility for home-educating families✓ Provide additional support for home-educated children and their families✓ Recognise that home educated children are not at greater risk of safeguarding issues than those educated at school✓ Uphold children’s rights under UNCRC and give them an opportunity to have their say✓ Support LAs in carrying out statutory duties	<p>The guidance does NOT:</p> <ul style="list-style-type: none">✗ Prescribe teaching and learning for EHE children✗ Impose mandatory meetings on parents and children✗ Monitor safeguarding✗ Hold EHE to a different standard to maintained education
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Figure 1: Slide taken from June 2023 Welsh Government meeting.

During that meeting, parents sought confirmation that adverse inference would not be drawn if they declined meetings with local authority staff. No response was

⁵ Welsh Government (2023) ‘Elective Home Education Guidance’ Document number 289/2023 [Online] available from <https://www.gov.wales/elective-home-education-guidance> Amended to 292/2023



forthcoming. Home educating parents were not reassured by Welsh Government statements in respect of the intent and implementation of the guidance.

The Welsh Minister for Education, Jeremy Miles, unequivocally assured home educating families that he wanted to change the narrative away from conflating home education with safeguarding risk and toward more supportive and less adversarial relationships⁶. We also know from conversations with local authority staff, that engagement between home educating families and local authority education staff was rising in Wales and that this rise was primarily based on the hard work and willingness of local authority staff to foster those crucial, positive relationships.

Home educated children are part of: *'A highly engaged and visible community, with children attending a large variety of groups and venues, many of which would not be available to those outside the community.'*⁷ We also know that home educated children are *'healthier, happier and more virtuous than public school graduates.'*⁸ Home education is a choice which is made, by the majority of home educating parents, in the best interests of their children. Those parents want to have mutually respectful and trusting relationships with local authority staff responsible for home education.

In 2023, both home educating families and local authority staff were awaiting new guidance in the hope that it would work well for children and support positive relationships. That guidance was published in May 2023 and it is against this background that home educating families were surveyed in June 2023 and again in January to February 2024 in order to ascertain whether parents' concerns over the published guidance⁹ have affected relationships between them and their local authority.

Method

In June 2023, a survey was undertaken of home educating families in Wales, in order to ascertain a base level for their relationships with their local authorities at that point. The survey was conducted on an anonymous basis through a third party provider site with duplicated submissions not available. Surveys were circulated through online peer support groups for home educating families in Wales. A total of 372 individual

⁶ For example, during meetings with stakeholders, including Education Otherwise.

⁷ Alburey, J. (2021) 'How societally visible and engaged are the children of home educating parents who access online home education support groups?'. Derby University. Author's extract available at: <https://www.educationotherwise.org/engagement-and-visibility-of-home-educated-children/>

⁸ Case, B. and Chen, Y (2021) 'What Home-Schoolers Are Doing Right' [Online] Available from: <https://www.wsj.com/articles/home-schoolers-schooling-are-doing-right-education-parents-bartholet-harvard-parenting-11636577345>

⁹ Welsh Government (2023) 'Elective Home Education Guidance' Document number 289/2023 [Online] available from <https://www.gov.wales/elective-home-education-guidance> Amended to 292/2023

submissions was received, all of which were unspoiled. Responses covered all of the 22 local authorities in Wales.

A further survey was undertaken using the same approach as detailed above, in order to ask respondents about their relationship with their local authority, in late January and February 2024. A total of 283 individual submissions was received, all of which were unspoiled.

A poll was circulated through online peer support groups for home educating families in Wales in February 2024. Parents were asked to give details of their interaction with their local authority when asked for information about their child's education and whether that had changed since publication of the new guidance. A total of 471 individual responses was received, all of which were unspoiled.

Results 2023

In describing their overall relationship with their local authority, it was notable that only 7% of respondents described their relationship as negative or very negative with 46% describing the relationship as positive or very positive and a further 46% as neither good nor bad (figures rounded and may not be 100%).

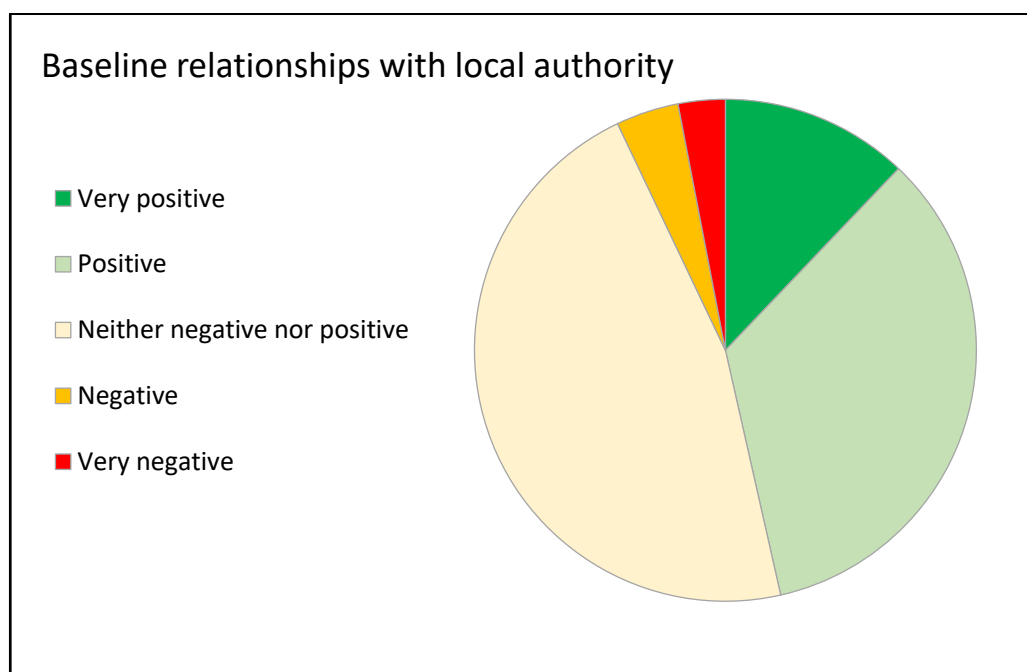


Figure 2: Home educating parents' relationship with local authorities June 2023.

Parents were asked how they felt that the guidance would affect their relationship with their local authority, if at all. Only slightly over 1% of respondents felt that their relationship with the local authority would improve, either a little or greatly. A total of 84% felt that their relationship would worsen, with 63% feeling that the relationship

would worsen greatly. The remaining 15% of respondents felt that their relationship would not change.

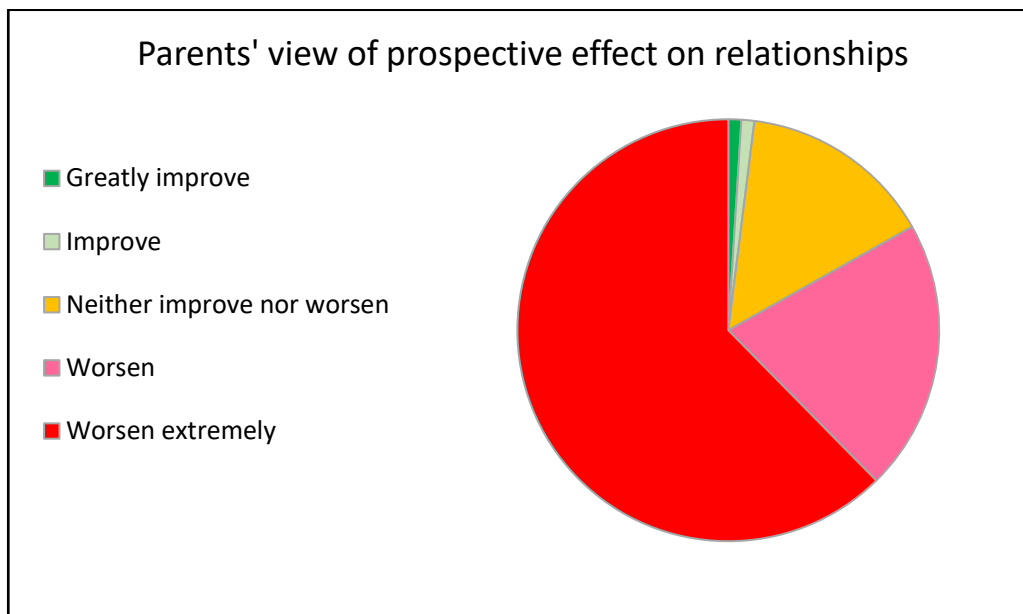


Figure 3: Parents' views of how new guidance would affect their relationships with their local authorities.

This was the question which attracted most comment from respondents, with all of those responding expressing concern about the content of the guidance and how it could damage their relationships with their local authorities:

'They will make it uncomfortable in the extreme. I'll make sure that I keep to the bare minimum and express my and my daughter's upset at this invasion of our privacy and family life.'

'These guidelines make me greatly fear contact from my local education office.'

'I believe this guidance will mean we are already at odds and give no chance for an amiable relationship now they're being enforced.'

'I don't know what to expect and this is what makes it scary. If the education officer responds reasonably and takes seriously why my children can't meet her, it could possibly improve our relationship. But if she ignored it all, yes, it would severely damage our relationship. Either way, I'd never trust her or be at ease permanently.'

'These new requirements will make me even less likely to engage with them.'

'If at some point in the future I feel the need to have a relationship, I want it to be at my request and not forced upon me by this 'guidance' which comes across very much as state control. This is not how a democratic society is supposed to work!'

'The LA offered no help when we sought it and we were abandoned when we needed support - I have zero interest in meeting them and my son has no desire to have any contact with them.'

'Changing the EHE officer's role to one of policing rather than support undermines the relationship.'

'I would be wary of meeting them. It very much depends on how we are treated and whether they act inside the law or have unreasonable expectations which would lead to mistrust'.

'I think overall relationships will be more problematic.'

'I know that I am providing the best education for my autistic child at a level that my child can cope with. I know that I am preparing my child for adulthood in ways my child can cope with. Interference by the LA will result in stress and anxiety for my child and will be wholly detrimental to my child's progress. I do not envisage that a relationship with an education officer will be good in any way for either me or my child.'

Respondents expressed concern about a requirement in the guidance for 'professionals' who come across a home educated child, to notify the relevant local authority, specifically within truancy sweeps, although concern about medical professionals routinely referring children was also cited. A full 90% of parents reported finding this concerning, with some referring to the lack of legal basis for police officers to require or share home educated children's data.

'I'm utterly disgusted that they think involving law abiding children in truancy sweeps is in any way a good way to engage. It would stress and upset my son and quite probably set him back years.'

'Police powers in respect of truancy patrols derive from the Crime and Disorder Act 1998 s16 (3). This power only applies to children of compulsory school age who are registered at school. It does not apply to home educated children, as they are not registered at, or absent from a school. I cannot understand Welsh Government trying to misrepresent the law.'

'I am really put off using NHS services. You should be able to trust doctors, not be worrying that they will report you just because you home educate'.

Respondents in 79% of cases were unhappy or very unhappy with the implied requirement in the guidance to meet the education officer.

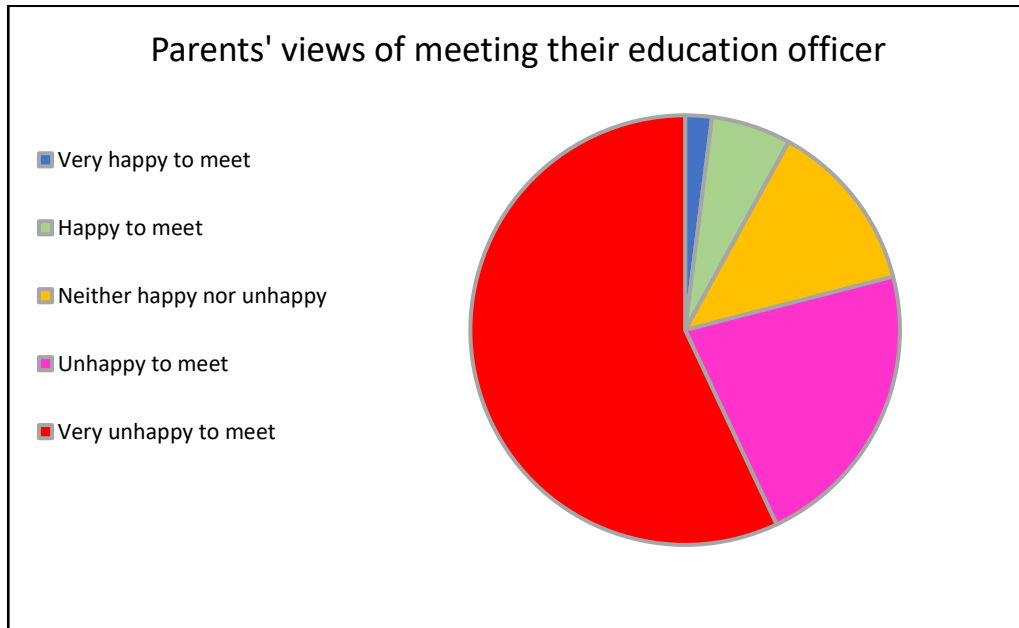


Figure 4: Parent's view of meeting their local authority officer

Respondents in 85% of cases were similarly unhappy about a perceived requirement to provide copies of work. The theme was no less in respect of children being required to meet with local authority officers with 89% being unhappy or very unhappy with this requirement.

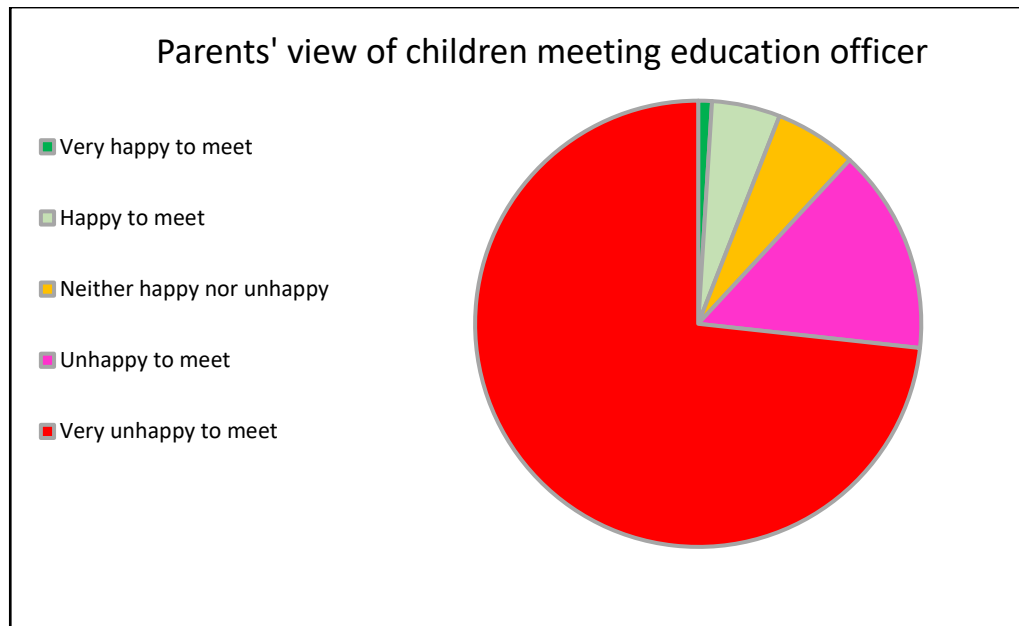


Figure 5: Parent's view of children meeting their local authority officer

'I used to meet the education officer on my own without children. I am not happy to be forced for my children to have to be seen if they don't want to do that.'

'How can anyone who does not know my child get any useful information from one meeting. He might be out of sorts that day or even scared of a strange adult asking him questions.'

'The whole idea is cruel, children should not feel as if a stranger can judge them and turn their lives upside down if they do not get it right.'

Respondents were asked to what extent they felt that the new guidance would benefit children's educational outcomes with only 1% stating that they felt that children's educational outcomes would benefit, 21% neutral and 78% believing that the guidance would damage their children's educational outcome.

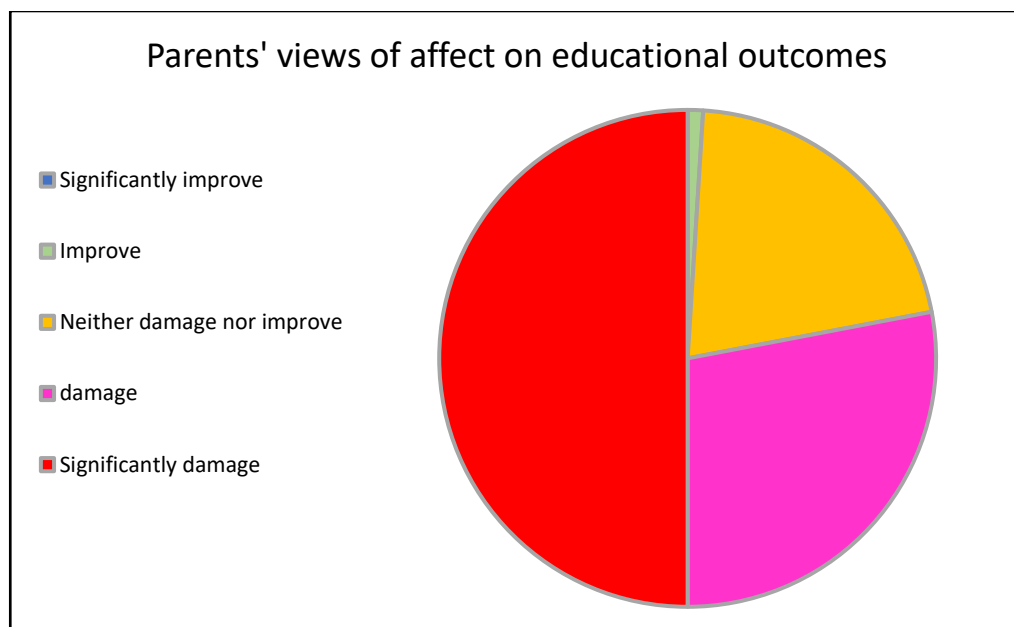


Figure 6: Parent's view of effect on educational outcomes.

'We may have to reduce contact to protect other families. We have been working with the LA as a home ed group so families know where they can access community.'

'This "guidance" (state bullying) will be very detrimental because we will constantly be second-guessing whether what we are doing is "good enough" for the dictatorial WG authorities. We know it's absolutely right for my daughter but what if they disagree, even though they know nothing about her?'

'I do not believe the WG when they state that the purpose to these new guidelines is to improve educational outcomes. I believe this is a lie. I believe it is



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purely about control, and I am extremely unhappy about these changes on this basis.'

'The guidance will be detrimental to my child's mental health.'

'Will put pressure on me and them and lose the amazing natural approach we have.'

'I do believe it will have a significantly negative impact on future interactions with authority figures.'

'All it will do is waste time for all concerned.'

'Why has the Welsh government come to the conclusion that such heavy handed intrusion is necessary and proportionate?'

'My child is not yet CSA and because of this, I intend to be unknown'.

'I will be avoiding giving other professionals my children's data in case of future sharing'.

Results 2024

In January and February 2024, a survey was undertaken of families in order to ascertain their view of how or if their relationships with their local authority had changed since implementation of new guidance in May 2023. This survey was simplified to gauge changes in relations over the previous time period and made no reference to guidance content. A total of 346 responses was received of which 63 were referring to respondents' views of Additional Learning Needs (ALN) provision. These were excluded, leaving 283 responses with all regions being represented.

The number of responses referring to difficulties with accessing support for children with ALN, confirms findings from our concurrent research examining the basis on which parents choose to home educate their children¹⁰. Home Education Trends: Changing Cohorts found a stark divide in parents' reasons for choosing home education, with a majority doing so due to lack of support for children's ALN and mental health within the school system. This is beyond the scope of this report.

The majority of survey respondents in both the 2023 and 2024 surveys described their relationship with their local authority as neutral. However, responses to the 2024 survey indicated an overall reduction in parents' views of their local authority with

¹⁰ Publication due February 2024 'Home Education Trends: Changing Cohorts.'

decreases in those reporting relationships as very positive, positive or neutral and increases in those reporting negative or very negative relationships.

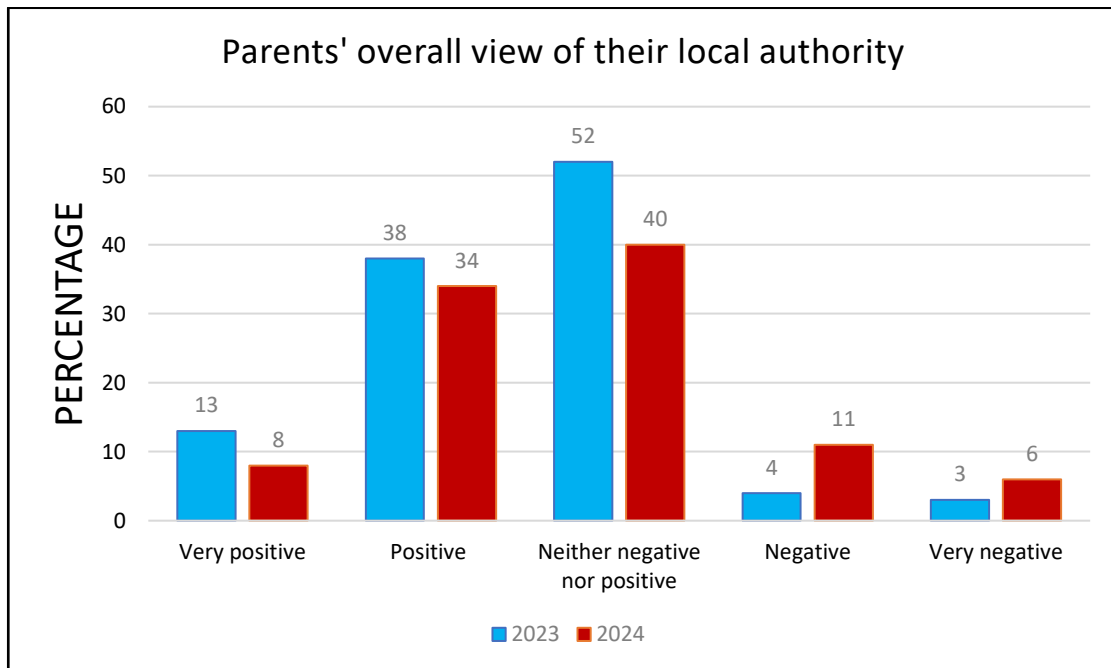


Figure 7: Parents relationship with their local authority 2023 and 2024.

The national overview does not tell the full story as regional analysis demonstrates a stark north south divide in parents' overall views:

'My LA is very polite, not overstepping, offers help connecting with other education and health professionals who may be helpful to my autistic son. Knows her job'. (North)

'They don't seem to want cordial relations with us anymore'. (South)

'Overall I think XXXXXX have been excellent so far and have acted how I would expect an LA to behave'. (North)

'Support is offered if you want it. LA organise HE activities'. (North)

'I keep them at arms length'. (South)

'The XXXXX officer is incredibly helpful to be honest. It is higher management that cause problems by not letting her do her job properly'. (South)

'XXXXXX has door-stopped some families including for a child under compulsory school age'. (South)

'How the LA is employing people who don't understand their own policy is baffling'. (Mid)

'Consistent incompetence'. (South)

'They have been wonderful'. (North)

Respondents were asked to report their view of their local authority in three separate categories, requests for information, communications and overall performance in respect to home education. Only 0.6% of those responses gave negative replies in respect of local authorities in north Wales.

In the 2024 survey, Respondents were asked to state whether their overall view of their local authority's practice had improved greatly, improved, remained the same, decreased or decreased greatly since 2023. Again, a stark north south divide was apparent, all of the northern local authorities seeing positive changes or no change and almost all of the southern local authorities seeing an overall decrease in parents' view of their practice. One southern authority received positive feedback and one neutral.

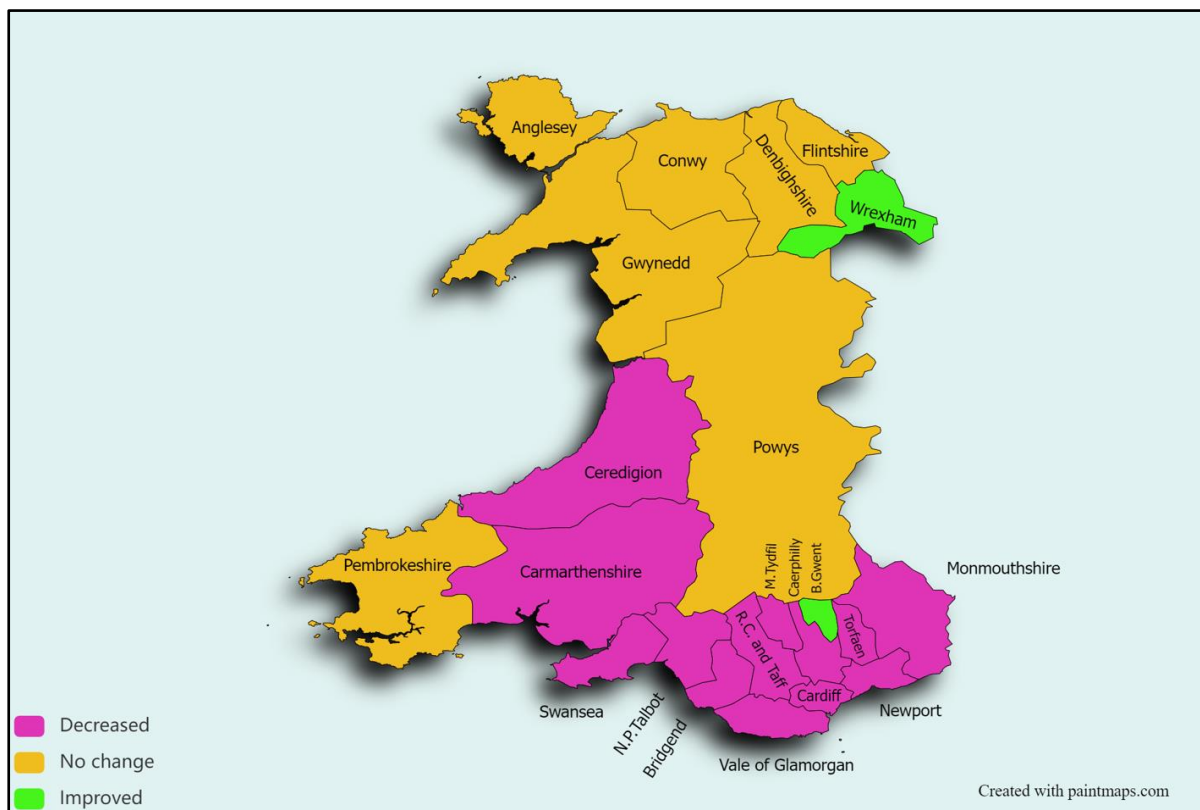


Figure 8: Parents' reports of changes in their overall view of local authority practice

Changing relationships

The third survey in the series informing this report asked parents to confirm how they interact with their local authority. Responses were received from 471 individuals representing all local authorities in Wales.

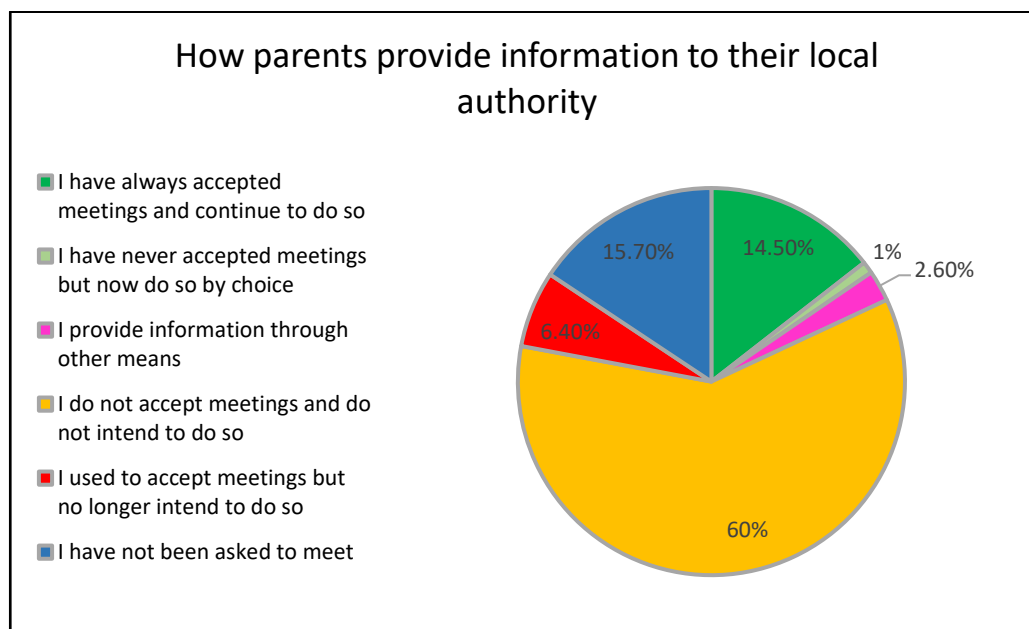


Figure 9: How parents provide information to their local authority.

The majority of parents (60%) report that they provide information through means other than meeting with their local authority. This can be through telephone discussion, written report or other means.

A total of 3.6% of parents reported that they will now accept meetings either by choice or because they feel forced to do so. Approaching twice this number, 6.4% reported that whilst they used to accept meetings with their local authority they no longer intend to do so. When analysed by region, those respondents stating an intention no longer to meet with their local authority are almost exclusively resident in the south of Wales.

'My LA has always been fantastic and we have met every year unfortunately from what I've seen and heard from others in the area they are now pushing for things they are not entitled to so I'm considering not meeting with them this time'. Parent in south

'The XXXXXX home ed officer is XXXXXX, she is lovely and very pro home ed, we have annual meetings at home with her and they are wonderful experiences' (Parent in north)

Conclusions

This research examines changing relationships between home educating families with a view to monitoring how those relationships have been affected by guidance issued in 2023. Respondents referred to changes in local authority practice, perceived changes in that practice or local reports of changes in practice as being the basis for their changing opinions. Some respondents clarified that they did not attribute those changes to individual education officers but to Welsh Government guidance changes and implementation of those changes by 'management'.

Stakeholders from all sectors report being of the view that all children should be receiving a suitable education and the majority of home educating families accept, whether reluctantly or positively, that local authorities have a role to play in achieving that aim. However, home educating families and local authority officers working on the ground with families, need to maintain positive and constructive relationships in order to achieve that aim. Without mutual respect and mutual trust, parents do not feel safe to seek support from their local authority and local authority staff cannot offer support in individual cases where needed.

Parents' views of local authorities have worsened in most local authorities in South Wales with those worsening views being reflected in reduced face to face engagement and increased negativity toward local authorities. Families in North Wales report that their relationships with their local authority are positive and have not worsened.

Packages of support provided during covid and for the short term afterward, raised positive engagement between home educating families and local authorities and Welsh Government could have taken the opportunity to 'ride the wave' of that situation by issuing guidance which provided balance and was acceptable to parents and local authority alike. Unfortunately, it chose to tip the balance toward increasing surveillance of families and this is reported as being an unduly intrusive, unacceptable and unwelcome¹¹ experience.

It appears clear that the Welsh Government believes that greater control of and greater involvement in home educating families' lives is important to protect children's rights to a suitable education. However, the evidence suggests that acting on that basis has an iatrogenic effect which, rather than increasing oversight of children, results in reduced engagement and lower levels of oversight of those children. This reduction in engagement comes at the same time as numbers of home educating children are rising, driven primarily by parents' lack of trust in the school system.

¹¹ Extensive feedback by parents to Education Otherwise through support services.



Recommendations

Welsh Government should look to its school system and improve its offer for children with ALN and mental health issues. By doing so, more parents will elect to use schools for their children's education, reducing Government concerns in respect of rising numbers of those coming to home education when that is not a positive choice.

Welsh Government should amend its guidance to make clear that only in cases where there is reasonable cause for concern should face to face oversight be pursued and strengthened. A clear message to those parents doing a good, or good enough, job would empower local authority staff to commit their resources where they are truly needed. This would in turn, empower parents to develop mutually trusting relationships with local authorities.

Home educating families in local authority areas where home education officers are engaging positively and respectfully should ensure that their voices are heard and report local positive practice in order to encourage less positive regions to emulate that practice.

W. Charles-Warner
February 2024