



Information for EHE Departments

**A Guide for Improving Relationships between
Local Authorities and Home Educators**

Educational Freedom

April 2021



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Who is Educational Freedom?

We are a non-profit organisation with the primary purpose of ensuring all Home Educators have access to free information and support.

Educational Freedom was founded in 2013 by Cheryl Moy and Liz Jenkins as a response to many Home Educators asking for the same information and advice. At the time, the information was either buried behind membership fees, or scattered across many different groups, blogs, email and social networks, so Educational Freedom was a way to bring this information all together in one location, accessible to all and free for every user.

We have a team of volunteers that not only keep the information up-to-date with the current governmental guidance, but also offer free support to Home Educators across the United Kingdom, via email, Facebook, Instagram, Twitter and by phone. Our entire team are made up of current or previous Home Educators who are willing to make a difference for the benefit of others.

Educational Freedom has experience dealing with Home Educators on a 1:1 basis and helping them with their Local Authority and other services, as well as representing a group of Home Educators, when asked. We have advised and supported Local Authority EHE departments rewrite letters and policy to be inline with the legal requirements.



The Purpose of this Document

The majority of Elective Home Education (EHE) departments around England understand their legal duty and are supportive of all styles of Home Education, however, it has become apparent that some do not. This has caused Home Educating families to increasingly choose not to meet with their EHE officer (EHEO). There has been a surge of distrust of Local Authorities which has led to confusion for Local Authorities (LAs) who have been supportive. We wanted to write this so you can understand the perspective of those who are Home Educating and to identify where some of the issues lie.

This document has been written in the hope that every Local Authority can gain an understanding as to why Home Educators around the country are asking to keep contact with the LA in writing; why they choose not to have a visit or phone call; and why they would prefer not to send in samples of their child's work.

As the majority of Home Educators use social media now, they are frequently seeing the letters, or hearing about the phone calls and visits that other Home Educators are receiving. As they can see for themselves how Local Authorities around the country are behaving, it is understandable that they want to protect themselves and their children to ensure that they are able to continue to provide the suitable education that their child(ren) is entitled to in law

Note: Educational Freedom will never advise a Home Educator to ignore any communication from the LA. Most Home Educators choose to send a written report about the provision in lieu of a meeting.

To help demonstrate the issues mentioned, we have collated examples of letters and forms, as well as details from phone calls and meetings.

Our hope is that you will take this information and the feedback from Home Educators to help you reflect on your practice, and where necessary, reassess your policy, wording of letters and general approach to Home Educators. Parents want to be using their time and energy on



providing the best Home Education they can, however, this is impeded by time consuming demands or inappropriate actions from Local Authorities.

Local Authorities have a duty to identify children not receiving a suitable education, however, this will become impossible if LAs continue to overstep their duty, more and more families will attempt to stay unknown, leaving more and more families without support.

If you would like some help reassessing your policy please email us at support@educationalfreedom.org.uk to request a copy of our Co-Production Guidelines, where Educational Freedom works in conjunction with local Home Educators and their Local Authority in equal partnership.

What is Home Education?

It is helpful to establish at this juncture, what our shared understanding of what Home Education is, and what it is not, with reference to the relevant legislation and guidance.

As you may know, Elective Home Education can follow any style, from radical unschooling, autonomous, semi structured through to fully structured. Most families will change their style as their child's needs and interests change. It does not have to have a curriculum, timetable, set hours, or follow school holidays.

Unfortunately for a growing number of EHE departments and linked staff it is becoming clear that there is a lack of understanding of what EHE is and is not, and what is required or expected.

For clarity, Section 2.11 of the EHE Departmental Guidance for Parents (DGfP) 2019¹ states:

There are no legal requirements for you as parents educating a child at home to do any of the following:

- acquire specific qualifications for the task*
- have premises equipped to any particular standard*

¹ <https://tinyurl.com/EHE-DGfP-2019>



- *aim for the child to acquire any specific qualifications*
- *teach the National Curriculum*
- *provide a 'broad and balanced' curriculum*
- *make detailed lesson plans in advance*
- *give formal lessons*
- *mark work done by the child*
- *formally assess progress, or set development objectives*
- *reproduce school type peer group socialisation*
- *match school-based, age-specific standards*

However, we have seen some LAs try to demand to see marked work, or say that you have to create a timetable. Some will tell you that unschooling is illegal and that you must keep formal records of progress.

There is no consistency or predictability around the UK and often confusion from within the same Local Authority.

An illustrative example: A family that lived in the south of England had been Home Educating for 6 years. Once a year, the EHE advisor would write to ask for a written update, the family would provide a few paragraphs about the unschooling approach, including things the children had been learning.

The family moved further north, and despite not needing to, they informed the LA they were in their area. They were doorstepped multiple times. The first occurrence was by an Education Welfare Officer (EWO) who told them they were breaking the law as it was illegal to unschool. They were again doorstepped by the EHEO three days later. The mother informed him that they



had been Home Educating for 6 years, had never been doorstepped before and that the previous LA had always been happy with the provision. This new EHEO wrote a report based on a 5 minute conversation and stated 'the family refused to engage, therefore the Home Education is deemed unsuitable.'

At this point Educational Freedom stepped in to help. The family sent a report in and the decision was overturned.

Since that time they have heard nothing more from the LA for nearly 2 years.

This kind of inconsistency, doorstepping and a lack of knowledge about Home Education is what leads parents to want to remain unknown to the LA (as is legally permissible), or at most want to keep communication in writing.

Deschooling

There is a massive misunderstanding around what deschooling is and the changes to the EHE guidance in 2019 is evidence of this misunderstanding, so we felt it would be helpful to clarify what deschooling is and what it is not.

Educational Freedom still encourages families to deschool. Our experience has taught us that this time and process is a crucial foundation for both parents and children to begin their Home Education journey well, exploring and identifying what a suitable educational provision will look for their child(ren)

Children benefit from deschooling as they are able to process and leave behind any negative effects they may have from their school experience, and transition or adjust to learning in a new setting and in new ways. Home Educated children often participate in their education very differently to schooled children; they may learn how to find things out for themselves and lead the way with their own education; they may learn how to cultivate and respond to their intrinsic motivation to learn, as opposed to being motivated extrinsically by the systems of reward and punishment that schools employ; being bored or exploring a number of different styles or subjects, or one subject in great depth, are all common elements in this time, and can play a part in the deschooling process. It is important that a child has time to adjust and develop these new skills. In our experience the longer a child has spent in school, the more time it takes to



deschool, and every child is different so may need a longer or shorter deschooling period. From our experience with families of children (and now adults) of all ages, we found those who took time to deschool stayed in Home Education longer and thrived there. Conversely, those who were led to believe school at home was the only option were more likely to re-register their child within a year and consider Home Education a failure. These children could face issues around rejoining the National Curriculum with a gap, and with the impact of a period of time struggling with learning at home, but could have flourished if the family had been encouraged to follow a path that suited the child. We, of course, fully support those who choose a structured style of Home Education, and those who decide at any point that school is the best setting for their child going forward, as long as they are aware of their options and are able to make those decisions based on what is most suitable for their child(ren).

Therefore it is important the EHEO understands and accepts that the initial period of Home Education may appear a suitable education is not being provided, but that period of adjustment is actually as important as any other part of Home Education.

How new Home Educators feel

As with any relationship, getting the relationship between the LA and Home Educating parents off to the right start is key, and it is in these initial communications and interactions from LAs that we see a lot of issues arising. It is important to remember that many parents enter Home Education exhausted from fighting schools; often because of bullying not being addressed or SEN not being met. Many children are starting Home Education with massive anxiety around education as a result of their experiences in school. Many feel like the Local Authority let them down by not acting on complaints, not finding a suitable school place or failing SEN etc.

In short, they often feel let down, anxious, and just want what is best for their child.

Taking the huge step into Home Education can be very daunting, which is worsened when they reach out to the school or LA for advice (pre deregistration) and are told that it would be a huge mistake, that it is illegal, that they will fail the child, that they have to be monitored, or provide



evidence of learning etc. It would be beneficial for Local Authorities to all have up to date useful information available to anyone asking about Home Education.

The anxiety and worry is worsened again, post deregistration, when someone official turns up on the doorstep or phones unannounced. This poor start to the relationship is exacerbated when misinformation and demands for particular documentation or styles of education, exceed or conflict with the LA's statutory duty or the EHE guidance. This understandably increases the distrust in services.

To demand a visit or samples of work, to send threatening sounding letters or make phone calls where lots of information is demanded is unwarranted and unnecessary, and can cause major stress, as well as cause the family to not want to communicate with the LA. Home Education occurs in and around everyday life, and Home Educating families are extremely busy and focused on meeting their child(rens) needs. Unscheduled and unannounced phone calls and visits are intrusive and disruptive, and communicate a level of disregard for the child(rens) education and family life. Overwhelmingly Home Educators are happy to work with LAs, but want to be able to do so in a way that is not disruptive and undermining of their core priority; that of providing their child(ren) with the education they need and deserve. Additionally, many feel intimidated and fear there will be serious consequences if they can not talk right there and then when you call or visit. Most people see anyone from the Local Authority as someone with power to put an end to their Home Educating, so they feel pressured to respond when contacted even if it's not a suitable time. These concerns are understandable and exacerbated when you consider some of the misinformation, threatening language, threats of and inappropriate use of SAOs and Social Services referrals that they see happening around the country.

EHE guidance around support

The EHE Departmental Guidance for LAs (DGfLA) 2019² states within section 5.3:

² <https://tinyurl.com/EHE-DGfLAs-2019>



Establishing a positive relationship between the local authority and the home-educating parent – where that is possible - will allow authorities to better understand parents' educational provision and preferences and offer them appropriate support. A positive relationship will also provide a sound basis for investigation if the authority receives information that a suitable education is not being provided.

Local Authorities seem to have forgotten the support part of the guidance, and the imperative to establish a positive relationship as a best practice basis for providing that support, as well as for any investigations that may become necessary. The guidance presumes a positive and supportive relationship as a starting point, and investigation only when there is evidence that provision may not be adequate; but even then the guidance presumes upon a positive and supportive relationship as the best basis for such an investigation.

Initial contact from the LA often includes a line about being there to provide support, however when questioned about what that support is, the answer is more often than not that there is no funding for support, they are not there to advise on resources, they don't know how to contact local social groups, or even that they don't know the process for EHE access to college or EHCP!

Most EHE families who have a question or are struggling will not approach the LA for support, instead they reach out to other Home Educators, or isolate themselves and end up choosing school again as they can not cope. Most Local Authorities do not provide links to local or national Home Education groups or information services.

We had a brief look at every EHE section of the LA website around the country, and made some observations:

- Some had no dedicated section
- 26 didn't have a way to contact the EHE team by email or phone (7 of those Local Authority main switchboards didn't know who was involved with EHE).
- Many included EHE as part of the welfare, safeguarding or children missing education pages, leading those who are considering EHE to believe it's unlawful or unsanctioned, or will incite child protection concerns about their children.
- Eleven used the incorrect term of "home schooling." Home schooling is when the child is still registered at a school, but receiving work or a tutor from the LA or school and quite different to Elective Home Education.



- Only a small few contained information about exam access
- Most had no detailed information about what Home Education is or the benefits of choosing it.
- Fourteen used the term “off-rolling” instead of “deregister”. Off-rolling is illegal and is when a school forces a child off the school roll whereas deregistering is legal, and is the process by which parents instruct a school to remove their child(ren) from the school roll prior to embarking on Home Education.

When there are concerns about the EHE provision

Section 6.4 of the EHE DGfLAs 2019 states:

The department’s advice is that in all cases where it is not clear as to whether home education is suitable (including situations where there is no information available at all), the authority should initially attempt to resolve those doubts through informal contact and enquiries. This is likely to be the most productive initial approach even when a child is not being suitably educated.

When there are concerns about the suitability of the EHE provision many LAs won’t or don’t detail exactly what the concerns are, leaving the family baffled as to what could be wrong. You will see below that the communication many families receive massively oversteps the informal enquiries that the guidance indicates. Even before concerns become known, LAs often bypass the step of making informal contact and enquiries, and stray into the realms of monitoring. Some letters and EHE policies even claim a duty to monitor or assess.

When the Local Authority staff do not understand or wilfully misrepresent their legal duty

The duties set out in the Education Act section 436a, are regularly misrepresented in communication and are often quoted to claim the LA has a duty to monitor the Home Education provision. Often just a few words are used, or even rearranged, and parts of the EHE guidance added to it to make it appear the LA has the right to demand a visit and to see your child. Whether wilfully or through lack of understanding, miscommunicating duties in the very first



contact with Home Educators does not create a good foundation on which to establish the positive relationship that the guidance indicates LAs should establish with Home Educating parents.

Section 436A of the Education Act³ states:

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.

The Education Act is the most misquoted document we see. It is often used to claim that the LA has a right of entry to the home, or that the parents must provide large amounts of various specific evidence of a suitable education. In reality, if the parent informs the LA that they are Home Educating with a brief overview of what they're providing, that is the end of that duty.

The relevant guidance 436a refers to is the 2019 EHE DGfLAs in which it states:

Section 4.2:

However, this should not be taken as implying that it is the responsibility of parents under s.436A to ‘prove’ that education at home is suitable. A proportionate approach needs to be taken.

Section 5.2:

³ <https://www.legislation.gov.uk/ukpga/1996/56/section/436A>



However, local authorities' policies should also make clear how the authority interacts with those families where a suitable full-time education is being provided and both parties wish to maintain a suitable level of contact and assurance....It is important that the authority's arrangements are proportionate and do not seek to exert more oversight than is actually needed where parents are successfully taking on this task. Often, having in place a system which is based on a presumption that it will be parents who initiate contact with the authority if necessary will yield good results when the parents are known to be providing good education.

The EHE DGfP section 5.1 also states:

Your local authority has no formal powers or duty to monitor the provision of education at home.

This quote from Ofsted's 2019 research⁴ into children being Home Educated at secondary school age, is evidence that there is a massive lack of trust when it comes to the LA:

...parents and schools were sometimes cautious about taking part. Some parents were concerned about the introduction of a register for children who are home-educated. A few parents were anxious about the involvement of LAs or worried that our research could lead to Ofsted regulating home education. We believe that the challenges we faced in carrying out this research highlight barriers to implementing any potential changes to legislation. Given the difficulties we had in encouraging parents to participate in research, and the concerns that some have about state intervention in home education, there may be difficulties in engaging parents in legislative change that they support. It is important that changes to legislation can improve the lives of children moving to home education. To do so effectively, an understanding of the views and fears of home-educating parents is needed.

This lack of trust in the LA can easily be rectified: by ceasing doorstepping and unannounced phone calls, by ensuring anyone with contact with Home Educators is fully trained, and by Local

⁴ <https://tinyurl.com/Ofsted-HE-Research>



Authorities ensuring their approach is one of support rather than judgement. A proportional approach will guarantee the relationship between Home Educators and their Local Authority becomes a mutually beneficial arrangement that ultimately supports the best interests of children.

Unfortunately, the reason many LAs give for claiming more duty than given in law, is because they believe Home Educated children are at a greater risk of harm or are hidden from society, despite evidence to the contrary. Graham Stuart MP said when he was Chair of the Education Select Committee, Home Educated children are "peculiarly visible", he was referring to doctors, social services and EHEOs, neighbours, librarians, museum staff, scout and dance leaders, other Home Educating parents and often Home Education support and information services.

Home Educated children are disproportionately referred to social services compared to their schooled peers, often due to ill informed but well meaning family or neighbours, a disgruntled school, or an ex partner who doesn't agree with the decision to Home Educate. The majority of referrals do not lead to any action being taken.

Section 7.3 of the EHE Guidance for LAs explicitly states "There is no proven correlation between home education and safeguarding risk". There has been a review of all the Serious Case Reviews (SCRs) in the country, and there has never been a case where Home Education has been a causative factor. Just because a child is Home Educated, does not mean they are locked under the stairs, rather they are out and about in society, and very noticeable due to the relative lack of other children who are in a school classroom..

LAs do have a duty of care regarding the safeguarding of ALL children - and if there are any concerns, then they should get Social Services involved, using the processes and powers that they already have. But, choosing not to meet the LA or asking the LA to act within the law are not reasons to assume safeguarding issues.

Forms are not always appropriate

First contact from an LA after deregistration, is often in the shape of a letter accompanied by a form. The forms that accompany the first letter after deregistration are usually not asking for information that is relevant to how learning takes place in a Home Education setting.



Many forms ask about what subjects are to be studied and for timetables or grades, whether there is a separate study area, for names and contact information of tutors, details of subject specific content, details of siblings, questions of how you monitor progress, which library will you use, which groups (with addresses) you attend. All of these questions are common and seem to assume a school-type style of education and will not be appropriate for many styles of Home Education. Most Home Educators do not split their learning into subjects in the way that schools do; often a topic can span many subjects, or subjects covered will shift and evolve as a child learns and follows an interest, aptitude or goal in a particular area.

Many of the questions are simply not necessary to answer the question of whether a suitable education is being provided. The inclusion of very specific and extraneous questions gives a misleading impression either that the LA is not well informed about EHE and the different styles, or that an approach to provision that answers these questions is required or preferable by law, which is not the case.

This quote is from a specific example of a form sent out to a family only a week after deregistration:

'parents should demonstrate that the education actually being provided is suitable and address issues such as progression expected and (unless the home education has only just started) achieved. It should not be simply a statement of intent about what will be provided'

However, the section they are quoting relates to S437 formal notices to satisfy, this quote is being used to mislead the family to believe they have to send in reams of information immediately. The form goes on to ask if the English and maths levels are in line with the child's age based on the curriculum, which is not relevant as Home Educators do not need to follow any particular curriculum

Examples of real problems Home Educators have experienced



In this section, we list real events from the last two years that we hope will elucidate the issues we have described. You will see examples of threatening letters, misquoting of the law, education deemed unsuitable because of choosing a report rather than a visit, inappropriate Social Services referrals and SAOs, and a little of the impact these practices have on families. We hope this helps you to understand why, whilst Home Educators have nothing to hide, they have very real reasons to feel that they need to protect their children's right and access to a suitable education from LAs who are acting with little understanding of or regard for Home Education and the guidance ..

We have changed some details to keep the family and the LA anonymous.

i. In one LA, new Home Educating families are regularly doorstepped within a day of deregistering by a CME officer who tells them they are breaking the law if they don't have a timetable and allow them in to see the children. Up to a month later the EHE advisor contacts the families saying they wish them well and to make contact if they can be of help, they don't demand a visit or even a report. Despite Home Educators raising concerns and complaints, this CME officer is still doing this.

The CME officer's information does not line up with EHE guidance, and the inconsistency between the CME officer and EHE advisor is confusing and stressful. Where concerns and complaints have been raised that demonstrate poor practice, LAs need to ensure that the staff and departments involved receive training and rectify the issue.

ii. A family was threatened with a School Attendance Order (SAO) after they reached out by phone to the EHE team for support, but were put through to an EWO as there was no one else there. The EWO told them that by reaching out it meant the education wasn't suitable and therefore the child would be sent to school. At this point the family reached out to us for help, we explained to the EWO how Home Education works, and we ensured the family had the support they'd been asking for.

The Guidance states that LAs should offer appropriate support to EHE families; it is baffling and counter productive to cite reaching out for support as grounds for threatening an SAO.

iii. Numerous families in one LA have reached out for support as they have received a letter from



an EHEO stating that an online meeting will need to go ahead before permission is granted to Home Educate. One family accepted the meeting, and was asked to provide a timetable, examples of work, evidence of grading, and proof of what teaching qualifications they had.

Permission to Home Educate is not needed, nor is it needed to deregister a child from a mainstream school in England. We are aware that the government has recommended schools offer a meeting to allow families a chance to discuss their decision especially if it is due to COVID19, however, families are not obligated to attend a meeting. This does not mean the school or LA can delay the deregistration. Additionally, none of what was requested in this meeting is required to Home Educate.

iv. We spoke with an EHEO as a family was being threatened with an SAO. The children had differing Special Educational Needs (SEN), which meant the parents were providing a very different style of education to each child. There had been previous social service involvement with the family, and despite the case being closed, the EHEO (who had no previous experience of SEN children) was adamant the children were being failed and reported them back to social services. We had to support this family to take the case to management where they received an apology and the matter was closed.

EHEOs need to have a good understanding of how differing styles and methods of Home Education operate, and how different approaches may be appropriate for different children. That a lack of basic understanding of Home Education and child welfare led to an inappropriate and unnecessary social services report was wholly avoidable.

v. Many families choose to send a report about the educational provision in lieu of meeting. Some LAs are claiming that without seeing the child's work they can not prove the parent is being honest. We have seen this written from more than one LA:

'Without seeing hard copies of your child's work we can not accept your report, we have no evidence that proves your honesty.'

This perspective on parents and reporting is contrary to the EHE guidance and demonstrates a lack of understanding of the many legitimate approaches to Home Education. When a child learns through doing and discussion, there will be little to no 'work' to show in the way that schoolwork is used to demonstrate learning. Furthermore, far from requiring parents to prove



their honesty, both the Education Act and the guidance, assume that information provided by parents is accurate unless there is evidence suggesting otherwise.

vi. One LA recently phoned unannounced and asked the parent to email over their year's Home Education schedule.

This request reveals a lack of understanding of the many different styles of education that may be used and be appropriate, assuming as it does that such a schedule is always necessary. The request also strongly implies that such a schedule is required and must be shared with the LA, neither of which is correct.

vii. In one LA, there was an instance of a fully structured family being told they were too rigid and had to be more child led. Yet 6 months later, and a new member of EHE staff, a semi structured family was told they had to have more structure. With support both families made complaints and received notification their education was considered suitable.

Both EHE staff members made ill-informed statements because they knew nothing about different styles of suitable Home Education. This inconsistency of expectation and advice is extremely confusing and unhelpful, and could be avoided if staff were better trained and informed about the various styles of Home Education and that they are all permissible under the law and guidance.

viii. Recently one LA that had previously been cited by Home Educators as an example of one of the best in the country, have started demanding large amounts of extraneous information - even from families they've known for many years. In response to the information given to them they write their own lengthy report, however these reports make no sense. The LA splits the report into 3 sections, one for age, another for ability and another for aptitude. The education is deemed unsuitable if it does not meet each criteria separately, which of course is not how 'suitable to age, ability and aptitude' is meant to be interpreted and leads to nonsensical decisions.

For example, a family with a 10 year old who left school aged 8 with a reading age of 4, now has a reading age of 7. This child was deemed not to be receiving a suitable education as their reading age wasn't the same as their actual age, despite being suitable to her ability, aptitude

and SEN and showing progress.



This same LA told us that they no longer give information in their letters about what they expect from families because *"they shouldn't be home educating if they don't know what we want."* If a family chooses to send them a report they're told "we do not accept reports" the family asked what the LA would accept and was told the family should just know. This LA then refused to communicate any further with anyone supporting local families.

The LA are misinterpreting and misapplying the legal standard of a suitable education and failing in their responsibility to establish a positive relationship with Home Educating parents, up to and including refusing meaningful communication with parents and misrepresenting their legal duty.

ix. A family sent a very lengthy report about the educational provision, in it they detailed the education and resources, friendships as well as groups he will be attending post lockdown, this is the response they received from the LA:

'I am aware that I haven't been able to capture XX's thoughts on home schooling; whether he is happy with the choice and not sure how to do this as you only want to communicate in writing. I would also be interested to know whether XX is involved in the planning for his education.

-I would also be interested to know what your reasons were for wanting to home school and whether you had any issues or concerns with the school?

-Will there be opportunities for XX to meet other children?

-Does he (or will he when groups start again) do this as part of his activities?

-Do you have a dedicated quiet space for XX to learn?

-Are you able to provide education in active citizenship and tolerance of others.

There is no reason why the report the family sent in would not be adequate information to satisfy an informal enquiry, and the questions asked raise a number of questions and concerns. Schooled children are not asked if they are happy to go to school and Home Educated children are not required to meet with LA officials or expected to answer this question. Home Educating parents are not required to provide reasons for their decision to Home Educate, and most Home Educators feel this to be intrusive and irrelevant. Asking about groups and opportunities to meet



other children proves the report was not thoroughly read as a number of groups and opportunities were mentioned in it. A dedicated space is not a requirement and would only be relevant to certain styles of Home Education. The last point was taken to be a xenophobic and discriminatory response to this family. Additionally, as demonstrated in this correspondence and others, we have noticed an increase in the incorrect use of the term home schooling, mostly used by LAs who demand school at home.

x. One family had a very confusing experience in which they were left entirely uncertain about who visited them and in what capacity. 'A few weeks after deregistering our daughter, in the middle of the first lockdown, a woman knocked on the door (no appointment or notice), and my daughter answered the door. I heard someone ask my daughter if she was alright and by the time I got to the door she just said she was checking xx was ok and left!'

The family still don't know what department the person was from.

xi. Correspondence from an LA claimed that they 'can make enquiries to ensure that a suitable education is being provided. This process usually takes place through an informal home visit by a teacher responsible for monitoring and advising on EHE.... to discuss current work, '

The job title of 'teacher' alone makes lots of families very reluctant to communicate let alone meet them, implying as it does, a school centric understanding of education, but crucially, the Local Authority has no duty to monitor EHE provision.

xii. One LA correspondence stated that, 'The Local Authority has a duty to make a fair assessment as to the education you are providing with suitability to X's age, ability, aptitude and any special needs.' This LA's policy states that parents don't always know what is best, and that the LA should look to encourage following of the curriculum and to see finished and marked work.

This demonstrates a lack of understanding or misrepresentation of both the LA's duties in regard to assessment and monitoring, and a misunderstanding of parental duties in regard to a child's education. The law presumes that parents are best placed to know what is best for their child and therefore considers education to be a legal parental responsibility. No specific



curriculum or marking structure is required of Home Educating parents and encouraging parents to follow a specific style of education and curriculum (we assume they mean the National Curriculum) demonstrates a lack of knowledge and understanding of the various styles of Home Education.

xiii. One parents' experience when informing their LA that they would prefer to send a report rather than have a meeting 'She said it'll go to next steps when I said I would prefer to send a report, but refused to explain what that meant.'

This appears to be deliberately intimidating as well as unhelpfully vague. It is also unwarranted, since a report would be adequate information to satisfy an informal enquiry.

xvi. One person described their experience of having a home visit in this way; 'We had a lady come once and she had me on edge the whole time, I felt uncomfortable in my own home and that they were judging my home and life. I didn't know visits were not compulsory.'

This doesn't represent the positive relationship that the guidance indicates the LAs should be establishing with Home Educating parents.

xvii. There is a group of LAs who automatically serve an SAO when the family chooses not to meet up with the EHE person. The families have offered reports, phone calls and access to private blogs to see the learning, but SAOs have been served with the only concern stating the family wouldn't have a visit. Worryingly within the same LA there is a pattern emerging where families in high rise flats are targeted with SAO threats, whereas those in more affluent areas are not contacted for up to 2 years at a time.

Two families have resorted to moving house to be away from them and now have a supportive relationship with the new LA.

There is no statutory requirement that families meet up with an EHE official in person, and these LAs are either grossly misinformed or wilfully misusing SAO to intimidate families. They are completely disregarding their duty to make informal enquiries and establish a positive relationship with Home Educating parents, even refusing to engage in offered ways that would adequately satisfy such enquiries. It is difficult to understand how these LAs could deem this approach necessary or constructive, and it is not informed by the guidance, which indicates that



even when there are concerns about provision, a positive relationship with parents is the best basis and context for resolving any issues.

xviii. One family sends an annual update about the provision by email and always receives confirmation of receipt, yet every year (for the last 6 years) an SAO is served (without any formal notice to satisfy or other communication) and every year they go to court. Every year the court agrees the education is suitable. When questioned about the provision concerns or why they keep doing this, the Local Authority refuses to answer.

Again, this LA seems to be misunderstanding or misusing the law and guidance here, and misusing SAOs. There is no reason in and of itself that an annual update by email should not be sufficient, nor is there any reason to refuse to communicate the exact nature of the LAs concerns. Since every year the court deems the provision to be suitable, it is difficult to conceive of how this course of action could be justified.

xix. At least one LA deems the education unsuitable if it is not timetabled and structured.

Neither a timetable or structured approach are necessary to the provision of a suitable education as laid out in law, nor are they advised by the guidance, which specifically states these are not necessarily required. This LA needs to improve it's knowledge and understanding of the various styles of Home Education, so they can appreciate that varying styles can be suitable.

xx. Taken from LA correspondence : 'This LA must make arrangements to find out whether home educated children are receiving suitable full-time education... the visit will take approximately 2 hours and we will expect to see your timetable, x's work marked and dated, progress reports and time to chat with x alone.'

The LA has no duty to demand a visit, families are not required to have timetables, mark or date work, and progress does not have to be recorded, in fact doing so is contrary to many legitimate educational styles. Many families would prefer not to have a stranger come into their home, and it is not clear why it would ever be necessary or appropriate for a child to be spoken to alone in regards to their educational provision.



xxi. One family was told visits were mandatory so allowed an EWO in, who clearly had no understanding of Home Education, the mum left the room to get something and came back to her child looking petrified and visibly upset, the EWO had cornered the child and told him he had to write a daily diary.

The misinformation that led to this situation arising could easily be remedied with training for the EWO on the law and guidance. That this misinformation was communicated in such a way as to frighten a child is utterly unacceptable.

xxii. In a letter from an LA official, they introduced themselves in this way; 'I am the senior officer with responsibility for monitoring the education of children on behalf of xx LA.'

There is no such statutory responsibility for the LA to monitor the education of Home Educated children, so this introduction is misinformed and misleading. The letter continues on to quote '436a of the Education Act' but uses text from the 437a formal notice to satisfy. The letter is a jumble of misquotes that are similarly misinformed and misleading.

xxiii. A parent who deregistered their child from school recounts: 'The school told me, upon receipt of the deregistration letter that I have a 20 day cooling off period, and on the 20th day my daughter had to go into school to say goodbye, or to stay.' The LA refused to inform the school that this was incorrect.

There is no specified "cooling off" period for deregistration. On the contrary a child should be removed from the school roll on receipt of the deregistration letter. It is also not required that a child go into school once a deregistration letter has been received, to say goodbye or for any other reason. If an LA is made aware of a school that is misinformed, or not following proper procedure for deregistration, they are in the best position to inform the school of proper procedure.

xxiv. From an EHE page on the LA website 'By law we are required to monitor your child's progress and wellbeing, so we will ask to meet with you and your child at least one a year.'

This is incorrect, the LA has no duty to monitor, nor check on the child's wellbeing, unless concerns become known, at which point they should start by making informal enquiries if they



have not done so already.

xxv. From LA correspondence: 'The annual assessment for X is now overdue, and despite attempting to contact you by telephone and writing to you to request that you contact me to arrange an acceptable date and time for the education assessment to take place, you have not made contact.'

Firstly, there should never be an assessment, the LA can make an informal enquiry. Secondly, this family had provided a written report a month earlier and had an email confirming the LA were satisfied. When questioned about the letter, the 'statutory school attendance officer with shared responsibility for elective Home Education' stated that the letter was a standard letter that gets sent to everyone. This is an odd letter to send to everyone as standard, and is worded very poorly if that is the case. It is adversarial in tone and makes specific claims about attempts made by the LA, and inaction by the parent, that would be incongruous with a standard letter sent to all.

xxvi. Most areas around the country have a Facebook group, these are usually closed or private groups for Home Educators, or those considering Home Education. Twice in the last year we have been informed of a Local Authority representative attempting to join the group. On one occasion around 5 years ago, the EHEO successfully infiltrated a local Facebook group, and used the information to identify previously unknown families. Another instance an EHEO joined a large national group and started informing other Local Authorities about unknown families. This is a massive breach of privacy and trust.

There is no legal duty for an unknown family to notify their LA of their identity. Whilst this sounds counterintuitive to a Local Authority that wants to support families, you will see in this document there are lots of reasons families choose to stay unknown. We know there is talk of a register, forcing unknown families to become known, however, until ALL Local Authorities act within the law, we can not and will not support a national register.

xxvii. A mum deregistered her children, the EHEO phoned and told her that the father had to have signed the deregistration letter.

This is not correct, either parent is able to register or deregister the child as long as they have

parental responsibility.



xxviii. A mother deregistered her child and accepted a visit from the EHEO. The EHEO quizzed the mum as to where the father was, they did this in front of the child. He went on to claim that the father would have to be copied into all the reports and be there for the next meeting, despite having been told the father was not involved with the child.

This is an issue we see often, usually causing friction and harm, especially when the other parent is estranged. LAs should, of course, consider both parents in their informal enquiries, but should communicate with the primary caregiver.

Doorstepping, Phone calls and Social Service referrals.

Doorstepping and notes through doors are common (worryingly this has become even more common during the pandemic).

These notes are usually on torn scraps of paper, a recent one read:

'I called today at xx. Please can you urgently call the education welfare service.'

This made the parents panic that they had done something wrong. .

Another recently read:

'I am xx from the Education Welfare service, I am aware your children have not attended school this week, it is imperative that you call me immediately to avoid prosecution.'

The family deregistered 3 months previously and had had contact with the EHE person.

A family last week received a voicemail stating the EHE was sat outside of the house and would report to social services if they did not answer the door. The family were not home. When questioned, the EHE claims she had been confused and thought she was at a pre-arranged appointment. Either way this is a despicable threat especially when visits are not mandatory.



Unfortunately allowing the EHEO to visit the home can trigger unnecessary reports to **Social Services**. These situations are talked about a lot in Home Education groups and are a major contributor for choosing not to meet the EHEO no matter how well regarded the EHEO is in the community.

Reasons school/EHE/EWO/CME have made a social services referral:

- The 6 year old was playing in their own garden without shoes on.
- The house was dirty (they were decorating).
- The child will become isolated (had 3 siblings and went to 4 group activities a week.
- Child being forced to learn beyond their ability (child has aspergers and is gifted in maths).
- Parent was dyslexic (but had hired a tutor to ensure the child reached their full potential).
- Child was on a restricted diet (during a visit the parent happened to mention food allergies that the GP was investigating).
- Child looked thin (GP wrote a complaint to the EHE advisor complaining they were wasting everyone's time as the child was fine)
- The family were known to social services 8 years previously due to domestic abuse, the father left the family home and the case closed. The EHEO came to the home unannounced, demanded entry and proceeded to quiz the child on the whereabouts of her father (who she had had no contact with in 8 years). The EHEO left the home angry that the mother told the child to go upstairs and demand the EHEO leave the home. The EHEO proceeded to make a referral to Social Services. Who luckily gave mum a call to inform her there would be no further action.
- An EWO made a referral to social services and wrote a "None [sic] approved home schooling report", as they believed the education was not suitable as the family utilised a tutor for Arabic. The family never heard from social services, we assume the social worker informed them this was not their place. Upon receiving the report the family asked us to contact the Local Authority. We believe the EWO is no longer working with EHE families.



Unannounced phone calls within hours of deregistering are common, these examples are all from Local Authority staff (we also have endless examples of schools trying to scare and prevent families from Home Educating). .

- 'We WILL be coming to check up on you.'
- 'What are you teaching?'
- 'You know your child won't thrive.'
- 'You have to follow the curriculum.'
- 'You have to prove you are setting appropriate work.'
- 'We think you are making a big mistake.'
- 'School has made a referral to us that you will neglect your child.'

Instead of writing to families to make informal enquiries some Local Authorities will phone unannounced:

- 'It is time to send me a copy of everything your child has done in the last year.'
- 'I am ringing because you weren't home (the family hadn't left the house due to lockdown), I am concerned about the provision as I have not met your daughter (Their child is a son).' It's important to note that EHEO do not have a duty to see the children, nor should they assume the education is not suitable because they have not seen the child.
- 'I am x, I have a duty to monitor and assess the Home Education.' When asked to put their query in writing they became angry and claimed 'If you do not speak to me you will be served a school attendance order.' The letter that followed this conversation had a completely different tone and did not claim any duty to monitor or assess. The family made a formal complaint but was told there was no evidence of a call being made to them.

Example from a Local Authority in England where families are very reluctant to engage



The parent sends the deregistration letter into school.

Within an hour the headteacher phones the parents, demanding to know why, and tells the family they are reporting them to social services despite never having raised any concerns before.

The following day an EWO/CME turns up at the house and demands to know why they aren't in school and tells them Home Education is setting the child up to fail.

2 weeks later they receive a letter from children's welfare services, from an 'attendance officer', the letter starts out *'We have been notified that you intend to home educate xx'*

(It's important to note that the deregistration letter is not a notice of intention, it is a notice that the child from that moment on is home educated.).

'Under the Education Act 436a we have a duty to monitor and assess the home education. I and XX (the EWO/CME) will be visiting you on xxx date. We expect to see the timetable, marked work, and future plans. We request your son/daughter be present as we will require them to read to us and fill out a form about what they have been taught.'

What Home Educators want

We asked Home Educators to tell us how they feel about LAs and what they want.

You can read some quotes below, but the overwhelming response was that they would be happy to tell you about their Home Education provision **if** they hadn't been doorstepped, received an unannounced phone call or a letter that was threatening and ultra vires. Most families would willingly give an annual update, however, they want a paper trail. They have seen or experienced

how badly wrong visits and phone calls can go, and without a paper trail, they have nothing to support themselves should the LA deem the education unsuitable.



Quotes from Home Educators

I find the contact from the LA to be formal and daunting.

You do not need to be so aggressive in your approach

Often many of the EHE team are also EWO or CME and they confuse their roles, the letter heads coming from children's welfare services really don't help

Support should be asked for not forced upon others

Actually have some support you can offer - don't lie when your 'support' consists of only sending an aggressive letter/doorstepping.

To learn Home Education law and not to confuse EHE with CME... difficult as some LAs put it in the same department

Do not twist and manipulate the law to suit your own agenda

We could be on friendly reciprocal terms if you weren't so threatening and manipulative



Set up a separate EHE team that is not part of the 'inclusions' or welfare teams

Be transparent (hey, we have to make these enquiries but you can respond in any of these ways which are comfortable for you), be approachable

How to create a beneficial relationship between Local Authorities and Home Educators

The EHE Departmental Guidance for LAs (DGfLA) 2019⁵ states within section 5.3:

Establishing a positive relationship between the local authority and the home-educating parent – where that is possible - will allow authorities to better understand parents' educational provision and preferences and offer them appropriate support. A positive relationship will also provide a sound basis for investigation if the authority receives information that a suitable education is not being provided.

Overwhelmingly Home Educating parents are willing to engage in a positive relationship with LAs. However, as we have seen there has been a breakdown in that relationship and in trust between LAs and Home Educators.

Four key ways that LAs could establish this positive relationship with Home Educating parents are to:

ensure that letters are clear about what support is available,

ensure that LAs policies adhere to the guidance and the law and all linked staff are fully trained,

⁵ <https://tinyurl.com/EHE-DGfLAs-2019>



ensure that all relevant staff have a good understanding of Home Education and the different styles,

and refrain from doorstepping or phoning unannounced.

There is a clear mandate to LAs to offer support to Home Educating families. Unfortunately, the majority of LAs claim the visit or phone call is to offer support, yet when asked about support they have little or nothing to offer.

We suggest that EHE departments consider and invest in the support aspect of their role.

A common experience for new Home Educators is to read the initial letter from the LA, and the accompanying forms, read the LA website, talk to school or a EHEO, and truly believe that school at home is the only way to Home Educate. In attempting to implement this approach, they often run into difficulty quickly, as the school type approach and structure does not transfer well to a Home Education setting. It is often at this point the parent seeks support from other Home Educators, finds online Home Education groups and support organisations, hears that there are other ways to Home Educate, whatever style is preferred and most suitable, and is encouraged to read and understand the law and guidance for themselves. They then feel that they've been lied to by the LA, and are angry and upset that a number of weeks or even months feel wasted, and they and their child have experienced a considerable amount of stress over that time. Their trust in the LA as a reliable and trustworthy source of information and advice has been broken.

We strongly urge EHE departments to be knowledgeable of, and provide some information about, different styles of Home Education, to refrain from using school type terminology in communication, and refrain from allowing school centric assumptions to drive policy.

We have seen many different policies and procedures practiced amongst Local Authorities. Many do not follow their own published policy and many have policies not in line with the law. Some LAs do not have an up to date policy or do not have one available online without



requesting it. Within some LAs there will be staff who contact EHE families yet have never read their own policy or the EHE guidance.

EHEO job titles often demonstrate this lack of understanding of LAs duties and appropriate expectations, and cause or exacerbate this confusion around policy and procedures, especially when the title infers the role is one of monitoring. Some of these confusing or misleading titles include, EHE advisor, EHE supervisor, EHE inspector, EHE Officer, EHE teacher, EHE monitor, Children Missing Education (CME) responsible for EHE, home schooling assessor, home schooling teacher, educational investigation team, Education Welfare Officer (EWO). The EHEO role is regularly advertised as needing someone with experience within the school education system or student welfare, often requiring applicants to be qualified teachers, and characterised as a monitoring role. Experience of Home Education or alternative education is not commonly required. From the outset the job is not explained properly so it's no wonder there is so much misunderstanding between EHEOs and Home Educators, or that the approach to Home Educators is often so misinformed and heavy handed.

It would be beneficial for all involved if LAs didn't doorstep or phone unannounced.

A welcome to Home Education letter is more likely to get the relationship off on the right foot, and encourage families to engage with LAs and EHEOs. This letter could detail local groups and what support is available, that you wish to make informal enquiries about the provision as the law and guidance permits, and explain that you understand those new to Home Education will not necessarily have settled in yet. Being honest and transparent, without threats or misinformation, will ensure Home Educators and the Local Authority have a positive relationship. Making the change to offering the opportunity for contact or conversations with Home Educators, rather than demanding a meeting, or arriving or calling unannounced, would further foster a positive ongoing relationship that is beneficial to families and to performing your roles and duties in relation to Home Education.

If you need help updating or improving with your letters or information provided to Home Educating families, please get in touch with us by email at support@educationalfreedom.org.uk.



Examples of Good Practice

Here are some more real world examples of good practice in these key areas, and it's benefits.

- i. One EHEO has been in the role for 10 years. She has family who Home Educate, is knowledgeable and more than happy to talk to you about different styles of Home Education and her own experiences. She provides an extensive list of free and paid for resources, local places to visit, local group info as well as some local individual families contact details (pre-approved). She knows about local exam centre information, never demands a visit, never makes an unannounced phone call, or misinterprets her duty to make informal enquiries. Instead of using her time to attempt to monitor families, she has created a relationship where families will approach her.
- ii. Another LA provides funding for two GCSEs for each Home Educated child. Some LAs have spoken with the local colleges about the 14-16 access and have detailed this for Home Educators to access. A few have details of exam centres, and some share details of local groups.
- iii. From LA correspondance: *'When we become aware that you are home educating your child, we will contact you to ask for some basic information such as your child's name and date of birth as well as preferred contact details. We will also ask you for a brief outline of your home education, just a few sentences. You do not have to provide this but it will help us confirm that your child is not missing from education. Providing we have no concerns we will normally be in touch once a year to check that you are still home educating and your contact details haven't changed. If you move house or your child starts school we would be grateful if you could let us know.'*
- iv. From LA correspondance: *'As a home visit is not a legal requirement, a meeting could be arranged at a different location if you prefer. Alternatively, we would be happy to discuss your questions by telephone or email if you would be happier with this.'*



Example of a Local Authority that Home Educators willingly engage with

The parent sends deregistration into school.
School acknowledge receipt and forward the child's information to the EHE department.

EHE advisor writes to the family introducing themselves, they include a booklet about different styles of home education, local exam centres, links to local home education groups etc. They say they will contact again in 3 months time to see how they're settling in. The letter will link to the LA policy and EHE guidance as well as national organisations including Educational Freedom. They sign off wishing them well and to contact them should they have any questions.

3 months later the EHE advisor writes to the family, they ask how they are settling in to Home Education and if they would like to send in a brief report about what the child has been doing and the approach they're taking, reminding the family that they do not expect to be seeing a replication of school at home. A sensible timescale should be given, such as 4 weeks.

The family write a brief report, in it they might talk about their style of Home Education and why it is currently the most appropriate, the topics and subjects the child has been learning, how they've been learning it (ie discussion, documentaries, websites or workbooks). In it they could include details of outings, exercise opportunities, any specific websites, or other learning material they use. As well as how they're learning life skills.

The EHE advisor writes back thanking them for the information and that they'll be in touch in a year,

This method guarantees local families will talk about how good the LA is, and in turn it will mean more families are likely to engage and reach out if struggling.

A Way Forward

Thank you for taking the time to read and consider this document, we hope that you have found it helpful. We believe a way forward is possible to rebuild positive relationships where it has broken down, to protect the positive relationships that are established, and we want to support that endeavor.



If you recognise any of the evidence quoted but are not sure how to remedy the situation, we would be more than happy to discuss it further.

If you do not think there are any issues within your department, we ask you to understand that currently there are only three EHE departments in England acting completely within the law and have a good relationship with all local Home Educators. If you want your EHE department to fulfil its legal duty whilst also being considered approachable by Home Educators, but do not know where you could improve, please do contact us. Our team has extensive experience and would welcome the opportunity to support you in improving the service.

Local Authorities and parents want the same thing, for children to receive the best education possible and to be safe, this mutual goal can only be achieved when both parties work together, and until the trust issues are resolved around the country we are unfortunately left in a position where families will want to keep contact to a minimum.

Please do contact us if you would like to discuss any of the issues we have raised. Our inbox is open should you want to know more about starting a Co-Production process with local Home Educators, or if you would like our support in amending letters, policy, or training.

support@educationalfreedom.org.uk

We hope that every Local Authority will use this opportunity to reassess its policy and procedures and that all relevant staff will be trained fully.

We look forward to seeing a change in approach towards Home Educators, and hopefully the chance for a supportive and positive relationship going forward.