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# Home Education

**Official Newsletter From Educational Freedom**

March 2024

Building relationships between LAs and Home Educators.

[www.educationalfreedom.org.uk](http://www.educationalfreedom.org.uk)

Hello once more! We greatly appreciate your positive response to our February newsletter. It's wonderful to see that many of you found it beneficial. A big thank you to those who have started incorporating our link into your literature. We strive to make this new edition just as valuable as the previous one.



## Who we are and what we do.

It has been a remarkable 11 years since Cheryl conceived the idea of establishing Educational Freedom, driven by the absence of independent, freely available advice and support. With an outstanding team, Educational Freedom came into existence, and we proudly maintain our commitment to providing free assistance to home educators.

In celebration of our 11-year journey, we opted for a mini rebrand, unveiling our new logo—a blend of modernity and freshness.

With a dedicated group of volunteers, we tirelessly collaborate with home educators and Local Authorities, we actively participate in media interviews. As well as maintaining a working relationship with the Department for Education (DfE).

One of our team plays an active role in the EHE Alliance, furthering our engagement and impact in the field.

## SPECIAL SCHOOL DEREGISTRATION PROCESS

Have you noticed an uptick in home educators approaching you seeking assistance due to delays in the deregistration process caused by the special school, EHCP team, or other entities?

As you likely know, EHE guidance explicitly affirms in Section 8.1 'The parents' right to educate their child at home applies equally where a child has SEN. This right is irrespective of whether the child has a statement of special educational needs or an Education, Health and Care Plan (EHC plan).'

The guidance further addresses consent for removing a name from a special school in section 8.6, stating 'If a school already attended by a child is a special school and the child is attending it under arrangements made by the local authority, the local authority's consent is necessary for the child's name to be removed from the admission register, **but this should not be a lengthy or complex process and consent must not be withheld unreasonably.** If the child is to be withdrawn to be educated at home then the local authority, in deciding whether to give consent, should consider whether the home education to be provided would meet the special educational needs of the child, and if it would, should give consent. However, that consideration should take into account the additional difficulties of providing education at home to a child whose special educational needs are significant enough to warrant a place at a special school.'

Additionally, section 10.3 of the 2015 Special Educational Needs and Disability Code of Practice outlines the procedure when a child is a registered pupil and the parent decides to home educate, emphasising that the process should not be lengthy or complex, especially in the case of special schools.

Forcing a child to remain in a school that the parent does not wish them to attend, maybe because it doesn't cater to their needs or harms their well-being is unacceptable and approaches negligence. If a parent decides to deregister, the process should be straightforward and not unnecessarily delayed. An EHCP review should not be a prerequisite for removing a child's name from the school roll.

The LA duty to ensure SEN are met remains, parents utilising our deregistration process information and template letter should provide ample details on how the child's needs mentioned in section B of the EHCP will be addressed. If a parent fails to include relevant information, it would be prudent to signpost them to our website.

In some areas it is taking 4 months or more before a child's name is removed from school roll, this is because the EHCP team incorrectly believe the review must take place first. Whereas in the most efficient

LAs the timescale for issuing consent can be 1 day to 2 weeks, with the EHCP annual review being carried out at a later date.

We urge you collaborate with the EHCP/SEN team within the LA to ensure a swift understanding and implementation of the deregistration process from special schools to avoid further complications and delays.

## **WHY EHE AND EHCP SHOULD KEEP COMMUNICATION SEPARATE**

The duty of the SEN team is to ensure the child's needs, as detailed in section B of the EHCP are met, the LA has a duty to meet those needs if the family can not.

An annual review is a legal requirement to ensure the SEN are appropriately captured in section B and that the LA is discharged of it's duty re section F s42 (5) Children and Families Act 2014. If the needs in section B are not met in full, then any specific provisions should still be provided by the LA, whether through commissioned services or personal budgets.

The EHE team have the ability to make informal enquiries to fulfil it's duty of identifying children missing education. No annual review is required in law.

These are very different roles.

A parent needs to feel safe in telling the EHCP team that they can not meet a need and therefore the LA must meet it. If this is conflated with EHE it often results in EHE determining a suitable education is not taking place. Which is rarely an accurate representation of the situation. Or families will not ask for help from the EHCP when they need it as they think the EHE team will use it against them..

EHE making contact for an update about the provision alongside a mandatory EHCP review is also misleading the family. They will be under the impression that an EHE meeting or annual review is compulsory.

We ask that both departments conduct their enquiries independently to avoid unnecessary complications.

# THINGS THAT DIDN'T GO VERY WELL THIS MONTH

We present the following examples not to single out or shame any specific Local Authority, but rather to illustrate the challenges and frustrations that home educators often face. Our intention is to provide constructive insights on how things can be improved.

We have allocated a random ID number to each LA and will use these ID numbers throughout our newsletters, if you would prefer we name your LA then do contact us and let us know. In our next newsletter, we aim to highlight numerous instances where LAs excelled in their support for home educators.

If you recognise yourself from the following, or have similar processes, we welcome you contacting us so we can support you in updating your policy and procedures. Our email is [support@educationalfreedom.org.uk](mailto:support@educationalfreedom.org.uk)

Regrettably, the instances outlined below represent just a fraction of the issues encountered this month:

## 1. ID 143: Deregistration Miscommunication

- This LA incorrectly advised multiple schools not to deregister children, as the other parent did not agree, causing unnecessary upset, confusion and delay. This is a civil matter and not one that the school or LA should intervene with. Legally only one parent is required to deregister, much like only one is required to register at school. The EHE advisor claimed it was local policy. This issue was rectified after we became involved, with management claiming there was no such policy and the children were now deregistered.
- The same EHE advisor in this area inappropriately threatened a parent (in their own home) with legal action and fines if the parent did not register their child in school straight away, this was said on first contact with the family, without prior concerns or due process, discouraging open communication. A formal complaint was made. This is unfortunately an example of why most home education services suggest keeping communication in writing.

## 2. ID 46: Confidentiality Breach

- This LA mistakenly sent confidential information to the wrong family, highlighting a significant breach of professionalism and privacy.

## 3. ID 117: Communication Misstep

- This LA erroneously contacted families about their 'intention to home educate,' causing confusion regarding the legal status of home education. As our previous newsletter pointed out, terminology really does matter.

#### **4. ID 131: Inappropriate Language and Cold Calling**

- This LA neighbours the above mentioned LA, and used a questionable email sign-off, "School Attendance is everyone's Business," which does not align with the ethos of home education. And contains a random capital on the word 'Business'.
- Forms for home educators to fill in for the LA to 'assess' and 'Intention to home educate', neither of which are legally within remit or accurate.
- Cold calling practices persist in this LA, with demands to see 'work the child has completed,' disregarding the diverse approaches to home education. Cold calling has been frowned upon for many years with the Education Select Committee previously advising LAs to refrain from this unprofessional practice. Written communication avoids confusion and allows an accurate representation of the LAs duty.

#### **5. ID 91: Fear-Inducing Language**

- This LA continues to use intimidating language in letters, referencing a 'handover to the specialist teacher takes place to ensure the work you are covering with your child is suitable...' causing unnecessary panic among new home educators. We respectfully ask that this job title and this language be changed as quickly as is possible, families come to us panicked that a teacher will be involved with the learning and that work must be replicated in a school type fashion. It is a deceiving title even to families fully aware of their legal responsibilities and rights.

#### **6. ID 99: Misleading Language in Forms**

- This LA uses misleading language in forms, such as 'Home Education Plan' and 'proposal,' creating a false impression of mandatory planning and proposals. The term 'learning objectives' is used many times in the forms, which again does not respect all styles of home education nor is there a requirement to provide this information.

#### **7. Communication Challenges with Various LAs**

- Several LAs, including Blackburn, Darlington, Enfield, Gloucestershire, Herefordshire, North Lincolnshire, Oldham, Rotherham, Rutland, Sheffield,

Stoke On Trent, Warrington, and Windsor and Maidenhead, lack clear and easily accessible contact information on their EHE webpage, hindering effective communication. We have not anonymised this list as we feel it is beneficial for these LAs to be aware of this issue.

#### **8. Misleading EHE job advert**

- o 'Conduct welfare checks and home visits to ensure sighting and delivery of children where there are EHE and/or safeguarding concerns...'
- o 'To visit families engaged with EHE.... carrying out an assessment of suitability of education...'
- o There is no surprise that home educators are confused when the EHE person makes claims of duties they do not have when this is how the job is advertised.
- o We are aware of many EHE officers, who, over the years, have left the role of EHE once they have understood the EHE guidance and what their actual duty was, or because pressure from management was to be more intrusive than the law allows. A misleading job advert sets the scene as it were, and is a large contributor to EHE staff overstepping and acting ultra vires.

#### **9. Finally, a very concerning public comment from a northern LA member of staff**

On a recent Daily Mail article (10th March) the following was written 'I work in this area for a Northern La in a challenging area. These proposals are an improvement but we need a complete law change. Some families educate really well at home. They are not the issue. This has now become a loophole for those who wish to avoid fines/court. LA's have no rights to see these children, their home or their learning. Parents can send in written reports, many of which are fabricated. They are aided by groups like education freedom [sic] to keep these children out of sight. These children include those on Child Protection plans. The risk is massive and the outcomes poor. The majority in the area I work end up NEET and many are isolated. The home ed groups care more for their own interests than protecting vulnerable children this needs to change.'

We are shocked to have read this on a public article, not only is it a potential gross misuse of information and data breach, it includes unsubstantiated claims, and is libellous.

Educational Freedom has a website that is accessible to all, anyone can look at our guide supporting how to write a report. We do not hide our information behind a paywall or private access only areas. If people are copying and pasting our template report about Lorelai in clown school then any competent LA staff could see straight through this as it is very clearly a joke report (to avoid people copying).

Educational Freedom does not offer a report writing or checking service, this is to encourage home educators to demonstrate their own personal experience in their reports without bias from our team. But we do support parents who contact us for assistance, this is usually after they have sent a report that the LA have come back with questions about, we may then advise where they could include more content, but we never encourage false information be included.

The website and our advice are always clear that home education must be efficient, full-time, and be suitable to the child's age, ability, aptitude, and any SEN, which is what the law requires. If you have a genuine reason to believe a report is fabricated rather than finding the law inconvenient to follow you can use your powers under s437(1).

If a child is on a Child Protection Plan then your social services department have exactly the same access rights and it is the same legislation to intervene and support the child irrelevant of how the education is provided. We would never advise a family refuse to meet with a social worker when there is a Child Protection Plan, and will in fact suggest that meeting the EHE team can be beneficial in areas where we know the EHE team to be supportive.

Home Education is not a loophole to avoid fines and prosecution for non-attendance, we urge families who approach us for advice to not use home education as a temporary measure to avoid these circumstances.

We do not aid families in keeping their children out of sight, but we do advise families keep communication with the EHE team in writing, this way they can ensure they have time to write a report that adequately describes the education. Unfortunately with many LAs not accurately representing their legal duty, going into homes and demanding school at home, or that the child performs on demand for them, or making claims of an unsuitable education when they failed to ask pertinent questions or did not like the colour of the wallpaper (yes that really did happen), with some EHE staff causing upset to the parent and child when after 3 hours they still refused to leave, or called social services because the child was playing in the garden without shoes on, or declared the education unsuitable as a reading book on the coffee table was for a younger child (a younger child lived in the house)... the unnecessary issues caused are endless and are why most home education service suggests keeping communication in writing. It is to protect all children and their families. If every LA acted within the law, respected and understood home education and did not cause harm then we would not have to advise written communication.

We encourage home educators to be out in their community, to find their local home education groups, we have a map on our website with many. We advise fully reading our

website so they truly understand their legal duty and all the styles and options within home education. We provide many times more information than any LA does.

If we have concerns about the suitability of the education we will work hard with the family to ensure the education improves and in some rare situations we have encouraged the family to utilise school.

We are not the enemy. In fact, LAs that work with us, that share our link and resources, that are truthful in their communications etc. find that they need to serve far fewer s437(1) or SAOs and far fewer families feel the need to keep communication in writing only.

These examples underscore the need for ongoing dialogue and collaboration between home educators and LAs to ensure smoother processes and better understanding of legal requirements.



**In some areas GPs, School Nurses and other medical professionals refuse to do assessment referrals for Autism, ADHD, mental health etc claiming the child must be in school to access the services.**

**This is not true.**

**Can you do anything to prevent this from happening?**

## **School Nurse Team and GP access**

The practices of each Local Authority area can differ significantly, emphasising the importance of your EHE department collaborating with local home educating families to



clearly outline the offerings of the school nurse team and how to get in touch with them. Many home educators may be unfamiliar with this crucial, albeit optional, service.

In specific regions, the school nurse team takes the initiative to reach out to home educators shortly after deregistration, often prompted by information from the school or EHE team. This outreach typically covers a range of topics, ideally including notifications about vaccinations, health checks, and the availability of support for referrals to services such as CAMHS and autism assessments.

However, this contact may sometimes lack comprehensive information and might appear as an attempt to gather details about the educational setup. It is advisable to communicate with your school nursing team, encouraging them to ensure their outreach is informative, and that nurses are well-informed and respectful of the choice to home educate. Unfortunately, there have been instances where families felt demeaned, received inaccurate information, or were denied access to services due to their decision to home educate. Some have gone so far as to make a social service referral for no reason other than home education.

In numerous areas, home educators remain unaware of these services and attempt to access them through the GP, only to discover that they are not the appropriate point of contact. We use our social media platforms to apprise parents about available services, however you should have the ability to send a email/letter to every known home educator in your area with details of the services available.

We know that not every area has switched fully to the school nursing team, meaning the GPs still hold the responsibility for vaccines and referrals. Though often refusing to refer due to the child being home educated, we would welcome a conversation on how this can be rectified. Your initial contact with home educators could maybe contain an information sheet with details on how to correct GP misinformation.

## **WHY DO SERVICES REFUSE HOME EDUCATORS?**

For the most part when a service refuses on the grounds of the child being home educated it is through ignorance rather than maliciousness.

GP, CAMHS, paediatricians, autism assessments, ADHD assessments, EHCP applications, even dentists and opticians, are all professionals who often do not understand home

education. They seem to think that it means the child is not in education and therefore not entitled to their service. This misunderstanding also occurs with child benefit and universal credits, where a parent wrongly believes they have to inform the benefit that their child no longer attends school, some instances of benefits being wrongly stopped have happened.

When refusing assessments (or to refer for assessment) the reasoning is usually that a school would also take part, but instead of offering an alternative solution they outright refuse. In these situations it would be a massive benefit if you included information about this in your literature. You could give recommendations of how to access these services. Such as telling the professional that the parent can provide supporting evidence, or the professional can observe the child at home, or group, or they can use the allotted case hours for an educational psychologist or SALT to do further observations. Opticians and dentists often think that not being in school means not in education and therefore will not provide free treatment.

At the moment if a service refuses, the family will make do without, but this is not right or fair on the child. You could support families by providing information before issues arise. As already mentioned, we are happy to support you to ensure you provide helpful and informative information.

**Our website:**

**[www.educationalfreedom.org.uk](http://www.educationalfreedom.org.uk)**

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