

# HEdline News

Local and National  
News for the Home  
Education community

Issue 4: June 2007

Brought to you by HEdline – Brighton & Hove home educators working for  
a positive and respectful relationship between home educators and government

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## Government consultation launched: deadline is July 31st

### Why should home educators respond to the DfES consultation on home education guidelines?

Because we are the experts on home education, so it is right that our voice should be heard.

Local Authorities are confused about the law on home education and how it relates to their responsibilities under the Children Act 2004. Some authorities are telling home educating families that they have to accept home visits and that their education has to be approved by the Local Authority. Some authorities demand to see examples of 'work' done by home educated children, and some think they should have the right to turn up unannounced on families' doorsteps to check up on the education being provided.

Staff from these Local Authorities will be responding to the consultation. We need to make sure that they are outnumbered by responses from home educators, home educated children, and home education groups.

### The guidelines will not be enforced, so why does it matter what is in them?

The experience of home educators in Scotland has been that some Local Authorities continue to overstep their legal powers, even with statutory guidance in place. Good guidelines won't solve all our problems with Local Authorities in England, but bad guidelines could make them worse.

We know, for example, that Brighton & Hove City Council EOTAS department intends to use the DfES guidelines as a basis for its new policy on home education.

Clear guidelines from the DfES could help home educators to convince

Local Authorities that demanding visits or examples of work is not helpful to home educated children, and is not allowed under the current law.

On the other hand, if the guidelines are not clear about Local Authorities' powers and duties, they will be used by LA staff to continue this kind of heavy handed treatment.

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### How do I participate in the consultation?

You can fill in the consultation form online at <http://tinyurl.com/26pmne>

Or use the paper version of the form, which is being distributed with paper copies of this newsletter. If you need a paper form, you can get one from Elaine Haste at the DfES, on 0870 000 2288. You need to get your response in by July 31<sup>st</sup>.

### Local News

HEdline continues to work with officers and councillors at all levels of the Children and Young People's Trust. We are making progress towards achieving a local policy that is fair, clear and legal; shows a good understanding of how home ed works; and which respects home educating families' choices and rights.

We have been invited to meet two Assistant Directors from the Trust this month, and as well as discussing their response to the government consultation with them, we will be talking about how local public services should be supporting our child(ren).

Under new legislation called "Every Child Matters", local authorities must support all children to: Be healthy; Stay safe; Enjoy and achieve; Make a positive contribution; and Achieve economic well-being. We will be mentioning things like: access to sports facilities; freedom from harassment by truancy patrols/door-stepping; access to GCSEs, and so on.

TELL US WHAT ELSE YOU WANT from local services – and we will tell the Trust! Email us on [enquiries@hedline.org.uk](mailto:enquiries@hedline.org.uk), or join the discussion on the bhhe email list: <http://tinyurl.com/2shorx>

## What do the draft guidelines say?

You can download the consultation document from:

<http://tinyurl.com/2kbjug>

Or read the paper copy which HEdline has made available at all the local home education groups. If you don't have a paper copy at your group and you would like one, please contact us on [enquiries@hedline.org.uk](mailto:enquiries@hedline.org.uk)

## What are the key points to get across?

Below are some key points you may want to include in your response to the consultation. These are based on discussions on home education blogs and email lists, and locally within HEdline.

If you would like to join in with these discussions, here are some useful links:

- HEdline – Brighton & Hove home educators working for a positive and respectful relationship between home educators and government: [www.hedline.org.uk](http://www.hedline.org.uk)
- AHed – national home education campaigning organisation: [www.ahed.org.uk](http://www.ahed.org.uk)
- EO Campaign website – [www.freedomforchildrentogrow.org](http://www.freedomforchildrentogrow.org)
- HE-Consult - email discussion list for home educators to discuss responses to government consultations: <http://tinyurl.com/2s6qoc>
- One home educator's draft response to the consultation: <http://tinyurl.com/2jpnfe>

The consultation document does not ask questions about all the sections of the draft guidelines, but if you have comments about anything in the guidelines, you can include them in the comments spaces after each question or the general comments space at the end of the document.

## Key points

- Currently, many Local Authorities do not appear to understand the law, and in some cases they have misrepresented their legal powers and duties. For these guidelines to be helpful, they need to be clear and unambiguous. They should be addressed solely to Local Authorities, and not also to parents.
  - In particular, Local Authorities appear to be confused about the relationship between their duties in relation to education and their duties under the Children Act 2004. The guidelines should make it clear that the Children Act 2004 does not require Local Authorities to seek out problems (be they educational or other welfare issues) where there is no reason to believe that there are any and that home education, in itself, is not a reason to suspect that child welfare problems exist.
  - Local Authorities have no duty to monitor the suitability of education provided otherwise than at school. They have a duty to take action only if there is reason to believe that a child is not receiving an efficient, full-time education, suitable to that child's age, ability and aptitude.
  - Local Authorities should make no distinction between families who choose home education for different reasons or between families from different communities. The references to Gypsy, Roma and Traveller families in the draft guidelines are discriminatory and inappropriate.
- Local Authorities should not give the impression to home educating parents that they have a right to enter the family home, to meet home educated children, to see examples of 'work' or to assess educational progress.
  - Local Authorities do have a duty to comply with Article 8 of the European Convention on Human Rights:  
*"Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."*
  - A statement of special educational needs is very often no longer relevant to the needs of electively home educated children. Parents can ask for a statement to be ceased, and Local Authorities should not unreasonably refuse to do this. If a statement is maintained for a home educated child, there is no legal requirement for parents to provide anything specified in the statement, and Local Authorities may not insist that they do.
  - Local Authorities should make sure that they are familiar with the wide range of educational provision made by home educating parents, and that **all** personnel likely to come across home educators are trained to understand them. Examples would include social workers, health visitors, etc. Local Authority staff should not use a tick-box approach in their dealings with home educators – there is no single list of resources or characteristics that define a suitable education for every child.

## The good news

The guidelines consultation is not the same as the consultation the government was threatening to launch, on "light touch changes to the monitoring arrangements for home education". The DfES has confirmed in writing that "The Department has recently decided not to pursue any changes to monitoring arrangements". This is good news, as it means there will be no change to the law on home education.