



HOUSE OF COMMONS
LONDON SW1A 0AA

Graham Farrant
Chief Executive
Thurrock Council
Thurrock Council Civic Offices
New Road
Grays
Essex
RM17 6SL

13 October 2014

Dear Mr. Farrant,

Thurrock Council Policy on Elective Home Education

As the Chairman of the Education Select Committee and the Chairman of the All Party Parliamentary Group on Home Education, I am writing to raise concerns about the guidance produced by the Education Welfare Service at Thurrock Council entitled "Process for Elective Home Education", a copy of which is enclosed. This document contains multiple breaches of the *Government Guidelines for Local Authorities on Elective Home Education* (as amended 2013), a copy of which I also enclose for your reference.

Thurrock Council's "Process for Elective Home Education" ignores the central theme of the Government's Guidelines, which is stated in paragraph 2.3: "The responsibility for a child's education rests with his or her parents." Instead it imposes an unwarranted and *ultra vires* series of restrictions upon the right of parents to educate their children as they see best.

I will address the breaches of the Guidelines in the order they appear in the Council's document.

Breach (A) – the need for permission to home educate

Section 3 of the Council's document states:

"...The EHE Consultant will make an Initial Assessment as to the viability of the Elective Home Education...This includes ensuring the safety and wellbeing of the student is paramount as ensuring outcomes for children and young people are improved by the receipt of better care, services and education [sic]. Improved outcomes can only be achieved if children and young people are safe from harm."

Section 4 continues:



"It may be the EHE Consultant's assessment that the Elective Home Education cannot proceed, in which case the parent/carer will be advised to keep the child on the roll...or to apply for a school place."

By contrast, Paragraph 2.4 of the Government Guidelines for Local Authorities states:

"Parents are not required to register or seek approval from the local authority to educate their children at home. Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. However, local authorities are encouraged to provide support where resources permit."

Instead of that support, the Council document misinforms parents that its officials must sanction their right to home educate their child before this can occur. This is a complete distortion of the legal situation.

Separately, the conflation of home education with a child safeguarding risk amounts to a serious stigma against parents. I have never seen any credible evidence that home education is a risk factor for child welfare nor, in cases where children have been harmed, any evidence that home education effectively hid abuse from the authorities.

Breach (B) – the need for ongoing EHE Consultant "assessment visits"

Section 5 of the Council document states:

"The case will remain open though no active casework will be required other than the update of EHE Consultant assessment visits for the duration of the Elective Home Education process."

Section 7 continues:

"The EHE Consultant will advise the Pupil Tracking Officer of all appointments and, after each visit, the EHE Consultant will provide a written report with judgement [sic] which will be sent to the family and a copy to the Pupil Tracking Officer for entry on the database."

By contrast, the Government Guidelines for Local Authorities are very clear that local authorities have no duty to monitor home educating families on a routine basis, but should instead only get involved if specific concerns are raised. They are not obliged, or indeed permitted, to screen families seeking reasons to intervene – still less to treat such families as "cases" or to produce reports making "judgments". This is emphasised at Paragraphs 2.7 and 2.8 of the Guidelines, which state:

*"2.7 Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, under Section 437(1) of the Education Act 1996, local authorities shall intervene **if it appears** [Government emphasis] that parents are not providing a suitable education. This section states that:*



'If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.'

Section 437(2) of the Act provides that the period shall not be less than 15 days beginning with the day on which the notice is served.

2.8 Prior to serving a notice under section 437(1), local authorities are encouraged to address the situation informally. The most obvious course of action if the local authority has information that makes it appear that parents are not providing a suitable education, would be to ask parents for further information about the education they are providing. Such a request is not the same as a notice under section 437(1), and is not necessarily a precursor for formal procedures. Parents are under no duty to respond to such enquiries, but it would be sensible for them to do so."

Breach (C) – the consequences of a parental decision to decline assistance from EHE officers

Section 9 of the Council document states:

"In the event of a parent refusing to engage with the EHE Consultant or failure to provide work for the EHE Consultant to assess the provision will be deemed as inadequate (this is in the interest of the child). After 2 failed visits the EHE Consultant will request that the Pupil Tracking Officer sends a "failed appointment letter"...and we may need to consider a referral to Social Care. The EHE Consultant will offer one further visit and failure to engage will result in the case being referred to the EWS and, depending on the level of concerns, Social Care."

Again, this is significantly different to the Government Guidelines for Local Authorities. These explain at Paragraph 3.6:

"Some parents may welcome the opportunity to discuss the provision that they are making for the child's education during a home visit but parents are not legally required to give the local authority access to their home. They may choose to meet a local authority representative at a mutually convenient and neutral location instead, with or without the child being present, or choose not to meet at all. Where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision being made."

This wording should leave very little room for doubt. The Guidelines are clear that it is not acceptable to treat a parent's decision not to meet with a home education official as itself representing a basis for intervention – let alone to threaten to involve social services, which would understandably terrify many parents.



The content of Thurrock Council's "Process for Elective Home Education" misrepresents the Council's duties and powers in relation to home education consistently, and fails to offer any constructive support to parents. I hope you will instruct your officials to make amendments to both this document and their working practices as a matter of priority.

The Department for Education shares my concern about the Guidelines for Home Education being represented incorrectly to parents. I am therefore copying this letter to the Minister, Sam Gyimah. I am also copying in the leader of Thurrock Council and Thurrock's MP, Jackie Doyle Price.

Yours sincerely,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

CC:

Sam Gyimah MP, Parliamentary Under Secretary of State for Education
Jackie Doyle Price MP, Thurrock
Councillor John Kent, Leader, Thurrock Council

Enc.