

Please specify in what capacity you are responding to this questionnaire

Check “Other organisation”

Please Specify:

Education Otherwise. Home education support charity.

1 Do you think the current system for safeguarding children who are educated at home is adequate? Please let us know why you think that.

Yes. But nobody listens. We say the same thing over and over to the DCSF. Please read our responses to previous Government consultations.

<http://www.education-otherwise.org/Legal/Consultations/2008.htm>

<http://www.education-otherwise.org/Legal/Consultations/2007.htm>

Particularly the consultation responses on Elective Home Education Guidelines, Staying Safe, Children Missing Education, Children at risk of not receiving suitable education,

Why do we think that? Because it is the case. Because we speak from experience. However by answering the question we do not accept that the question is legitimate.

Education Otherwise takes the safety of children very seriously. Please take a moment to read our Safeguarding Children Policy.

<http://www.education-otherwise.org/policies.htm>

http://www.education-otherwise.org/About/Safeguarding_Children_Policy.pdf

Jim Clossick is an independent social worker acting as Designated Safeguarding Children Person for Education Otherwise. Jim provides the experience and expertise Education Otherwise needs to deal with child protection issues. The appointment follows a review of how Education Otherwise should address this sensitive subject and extensive consultation with NSPCC, who were extremely helpful and very satisfied with the measures we have put in place and in the appointment we have made.

In addition we stress that should members have concerns about, or evidence of, circumstances that a child or children may be exposed to, or suffering from, abuse in any way, the concern should be reported to either the NSPCC (0800 800 5000), the local authority or the police. However, as an organisation we also recognise that some members may have doubts about their concerns and wish to discuss them confidentially with the DSCP, who will help callers decide on what course of action they should take in line with best practise.

Please ask us “Do you think the current system for safeguarding children who are educated at

school is adequate.” Because we would have to give a resounding NO. Many, many home educated children are de-registered from school following bullying. It is particularly common for children with special educational needs to be bullied. The National Autistic Society has said :

“It is essential that every child has the opportunity to flourish and is able to stay safe and free from harm, wherever they are educated.

- School provision often does not meet the needs of children with autism, and outcomes for many children with autism are poor.

- We have strong concerns about the Review's focus on child protection. In our experience many parents of children with autism who home educate make the decision because they feel that their child's needs are not being met at school. In some cases, this puts the child's well-being at risk. Parents take the decision to home educate, a sometimes costly decision for them, in the best interests of their child. We have been contacted by a number of parents who are very worried about the emphasis of the review.

The NAS believes in the crucial importance of all children being kept safe and protected from harm, no matter where they are educated. However, we are deeply concerned about the extent to which the Review intends to focus on home education and its potential use as a 'cover' for child abuse. A number of parents have contacted us because they are concerned about the review's focus on child abuse, feeling that it stigmatises and even "demonises" them, rather than focusing on the importance of support for families who make the decision to home educate, often because their child's needs are not met in school. Here is a typical comment from a parent:

"I am worried, as the reason we took our daughter out of the system was because we found that the education system was unable to educate our daughter due to her ASD [autism spectrum disorder], nor could they protect her from bullying. Is it not somehow ironic that many people like myself who home educate ASD children precisely to protect our kids from abuse are now being tarred with this?"

Do you think that home educated children are able to achieve the following five Every Child Matters outcomes? Please let us know why you think that.

2 a) Be healthy

Yes

Because we speak from experience. However by answering the question we do not accept that the question is legitimate. Please ask us whether we think school-educated children are able to achieve the outcome of being healthy. We would have to say probably not. It should be noted that not all children are able to be healthy, wherever they are educated.

2 b) Stay safe

Yes

Because we speak from experience. However by answering the question we do not accept that the question is legitimate. We hope that Graham Badman and the review team are aware of the press releases issued by Education Otherwise on this topic which we are including here for reference:

<http://www.freedomforchildrentogrow.org/pr230508.pdf>

<http://www.freedomforchildrentogrow.org/SPRY%20EMBARGOED%20PRESS%20RELEASE%20090607.pdf>

<http://www.freedomforchildrentogrow.org/SPRY%20PRESS%20RELEASE.pdf>

We understand that the Review Team will be assessing Serious Case Reviews and we would be happy to assist with this process.

2 c) Enjoy and achieve

Yes

Because we speak from experience. However by answering the question we do not accept that the question is legitimate. Please ask us whether we think school-educated children are able to enjoy and achieve. We would have to say probably not.

2 d) Make a positive contribution.

Yes

Because we speak from experience. However by answering the question we do not accept that the question is legitimate. Please ask us whether we think school-educated children are able to make a positive contribution. We would have to say probably not.

2 e) achieve economic well-being

Yes

Because we speak from experience. However by answering the question we do not accept that the question is legitimate. Please ask us whether we think school-educated children are able to achieve economic well-being. We would have to say probably not.

3 Do you think that Government and local authorities have an obligation to ensure that all children in this country are able to achieve the five outcomes? If you answered yes, how do you think Government should ensure this?.

No. Of course not. There is no such obligation in law nor could there be. We say the same things over and over to the DCSF but nobody listens.

Firstly, we should like to submit to the DCSF for the third time points made about children's rights by Lord Adonis to Lord Judd during the passage of the Education and Inspection Act through the House of Lords in October 2006.

“Lord Judd

House of Lords

London

SW1AOPW

13 October 2006

Since Committee stage I have given a great deal of consideration to your amendment to introduce a simple statutory 'right to education' at the outset of the Education and Inspections Bill.

Let me say that I was strongly attracted to this idea in principle. I understand the potential declaratory value of such a statement; and since there is nothing more central to the society

we wish to create than excellent education for every young person, it seemed to me a right and valuable thing to do. However, my officials and lawyers have persuaded Alan Johnson and myself that the declaratory value would be outweighed by the legal uncertainty that such an apparently simple change would involve, and that it might perversely have the effect of jeopardising or qualifying the well-established rights to education which are now very well embedded in case law. They are also concerned at the potential effect such an amendment might have in extending rights to minority forms of schooling which do not conform to the legal framework required to safeguard the national curriculum, fair access and community cohesion. Let me set out the arguments - and case law - in the way that it has been presented to me.

As I have already mentioned, the right to education is guaranteed by Article 2 of the First Protocol to the ECHR and, for children, by Article 28 of the UN Convention on the Rights of the Child. The right to education provided by the ECHR is already part of national law by virtue of the Human Rights Act 1998, which sets out in detail the procedure for making a claim that a right has been infringed and also sets out the remedies available for a breach. To legislate along the same lines in education legislation would undermine the regime set out in the Human Rights Act 1998, as it would not be clear which should prevail. Moreover, a free-standing right with provision neither for the procedure for claiming a breach nor for remedies would not be as effective as the Human Rights Act 1998 right.

I have also previously mentioned the "fourfold foundation" and how such foundation fulfils the right to education:

The first element is the duty of parents under section 7 of the Education Act 1996 to cause their children to receive efficient and suitable full time education either by regular attendance at school or otherwise;

The second element is the Secretary of State's duty under Section 10 of the Education Act 1996 to promote the education of the people of England and Wales;

The third is that LEAs are required by section 13 of that Act to secure that efficient education is available to meet the needs of the population of the area; and

The fourth is the maintained schools themselves: each such school is under the direction of its governing body who must conduct the school with a view to promoting high standards of educational achievement at their school.

I am advised that this is more effective in securing the right than would be a free-standing right to education in English law. Not only is it flexible enough to allow for various different arrangements for education (for example, education provided by LEAs, by the independent sector, by Academies or at home), but it also places clear and positive duties on the various parties (parents, local education authorities, Secretary of State and governing bodies) which are much more easily enforceable. The effectiveness of the fourfold foundation was set out by Lord Bingham in the Ali case (*Ali v Lord Grey School* [2006] UKHL 14) when he said:

This fourfold foundation has endured over a long period because it has, I think, certain inherent strengths. First, it recognises that the party with the keenest personal interest in securing the best available education for a child ordinarily is, or ought to be, the parent of the child. Depending on age, maturity and family background, the child may or not share that interest. But the parent has a statutory duty. Secondly, the regime recognises that for any child attending school it is that school through which the education provided by the state is in practice delivered. The relationship between school and pupil is close and personal: hence the restrictions on its interruption or termination. It is a relationship resembling, but for the

want of consideration, a contractual relationship. But, thirdly, the regime recognises the need for a safety net or longstop to ensure that the education is not neglected of those who for any reason (whether 'illness, exclusion from school or otherwise? are not being educated at school in the ordinary way. It is plainly intended that every child of compulsory school age should receive appropriate education in one way if not another, and that responsibility rests in the last resort with the LEA.

In a sense, therefore, the fourfold foundation goes beyond what a free-standing right to education would provide, as it takes into account the different and complementary roles of parents, local authorities, the Secretary of State and governing bodies in the education of children.

As well as being less effective than the current provisions (and potentially weakening them), legislating for a right to education for children in England and Wales could also have other undesirable implications. The Courts, if tested, will assume that Parliament did not legislate in vain and that a new, positive right to education is meant to be a change in the law. They may, therefore, seek to import something more into the law than is currently provided. This has a number of ramifications.

First, the ECHR "right to education" (Article 2 Protocol 1 ECHR), as given effect in national law by virtue of the Human Rights Act 1998, is currently phrased negatively ("no one shall be denied the right to education"). The fact that the right is phrased negatively has influenced the way in which the Courts have construed the right. It has been held that the negative formulation does not require that Member States establish at their expense, or subsidise, education of a particular type or at any particular level, but rather implies for those under the jurisdiction of a Member State the right to "avail themselves of the means of instruction existing at a given time.,1. Its primary objective has, therefore, been held to be to guarantee a right of equal access to the existing educational facilities.

A positive right, along the lines of that envisaged by the amendment which you tabled at Committee Stage, would I am advised be likely to be construed differently by the Courts. It might be interpreted as imposing an obligation on local authorities to ensure that children could receive education of a particular type or standard which the authorities were unable to provide (or which they considered undesirable to provide). Taking, for example, the Belgian Linguistics case itself, the Court held that the right to education, as phrased negatively, did not give rise to a right to be taught in the language of the child's (or their parent's) choice, nor was there a right of access to a particular school of choice. Logically, therefore, a positive right might be held to require the State to make provision for teaching in, or schools for, languages other than English.

Furthermore, a provision along the lines suggested in your amendment would not make clear whether the right was being conferred on the parent or the child. Conceivably, conflicts could arise where the parent wanted to educate the child at home, or at an independent school and the child had a legally enforceable right to be educated at a maintained school.

In the light of these issues, I have also considered whether we could legislate in the Bill to provide that no person/child of school age can be denied the right to education. However, since this is already provided by the Human Rights Act 1998 ("no person shall be denied the right. ..") to do so would, in effect, be replicating a provision of primary legislation in another provision of primary legislation, which would normally require a repeal of the earlier legislation.

You will appreciate the undesirability of seeking to amend the Human Rights Act and the rights which it gives effect to: indeed, it could not be amended without the agreement of the

European member states. If both rights remained in place, not only would there be questions as to which right should prevail (the wider Human Rights Act right or the narrower education law right), but there would be a disparity between the regimes for claims and remedies, as mentioned above.

You rightly pointed out in Committee that Scotland have legislated for a statutory right in favour of every child to have a school education. As far as we know, this right has not actually been invoked yet: no one has relied on section 1 of the Standards in Scotland's Schools Act 2000 ("the Act"), so it has not yet been tested by the Courts. In other words, it has not been relied upon by parents or children wishing to advance their rights. As regards the risks of changing the meaning of the existing right to education highlighted above, the Scottish Executive took the view that the declaratory benefits were worth the risk of legal challenge - this is not a view that, on serious reflection we share.

If you would find it helpful personally to discuss this issue further, I would be very happy for you to meet my Bill manager Heath Monk together with the Department's legal advisers.

Please do contact Heath directly on 020 7925 6399 if you would find this helpful.

ANDREW ADONIS

1 As per the European Court of Human Rights in the Belgian Linguistics Case.”

Secondly, we are dismayed to see once again that the Government's Children's Plan has attained quasi legal status to the point where alleged statutory guidance refers more to the Children's Plan than to the primary Act.

A case in point would be the 2008 consultation on statutory guidance to section 10 of the Children Act. What follows are extracts from Education Otherwise consultation response in June 2008. Many of the same points had been made in the Home Education Guidelines consultation in July 2007 and were made again in the Consultation on Revised Statutory Guidance on Children at Risk of Not Receiving Suitable Education.

We have absolutely no evidence that these responses are ever shared outside the DCSF Consultation Unit.

We often ask ourselves why we bother.

<http://www.education-otherwise.org/Legal/Consultations/2008.htm>

<http://www.education-otherwise.org/Legal/Consultations/consultationstatutoryguidancecooperatejune08.pdf>

“The document on which we are invited to comment does not serve the function of “statutory guidance on section 10 of the Children Act 2004”. Instead it serves the function of a commentary and expansion of the Government's 2007 Children's Plan Building Brighter Futures.

Could we not perhaps rename it “Building Brighter Futures: Guidance for Children's Trusts.” Have we been supplied with the wrong document?”

“Are the authors of the draft statutory guidance aware of Working Together to Safeguard Children 2006 dealing with sections 10-13 of the Children Act 2004 and could they please tell us whether the draft statutory guidance on section 10 is intended to supersede WTtSC, particularly over the remit of Local Safeguarding Children Boards?”

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/> “

SECTION 10 (8) OF THE CHILDREN ACT 2004

http://www.opsi.gov.uk/Acts/acts2004/ukpga_20040031_en_3#pt2-pb1-l1g10

Section 10 of the Children Act 2004 stated that each children's service authority in England must make arrangements to promote co-operation between the authority and relevant partners with a view to improving the well-being of children relating to “physical and mental health and emotional well-being”; “protection from harm and neglect”; “education, training and recreation”; “the contribution made by them to society”; and “social and economic well-being.” Section 11 of the Children Act 2004 covered “arrangements to safeguard and promote welfare” and section 12 dealt with “information databases.”

We are extremely concerned by the implications of section 10 (8) of the Children Act 2004:

“A children’s services authority in England and each of their relevant partners must in exercising their functions under this section have regard to any guidance given to them for the purpose by the Secretary of State. “

DRAFT STATUTORY GUIDANCE ENCOMPASSES WIDE-RANGING POLICIES NOT YET ENSHRINED IN LEGISLATION OR EMBEDDED IN MODELS OF GOOD PRACTICE

The draft statutory guidance on which we are invited to comment addresses policy issues in the Children's Plan which have not yet been enshrined in legislation, for example around the Education and Skills Bill in raising the participation age. The 0-7 pilots have also not been launched and are therefore out of place in statutory guidance.

In addition, the sudden announcement of the Centre for Excellence and Outcomes in Children and Young People’s Services is inappropriate in statutory guidance. We are concerned to find that CfEO will be directly accountable to the Secretary of State, since this appears to bypass many other levels of accountability and management. We are told that CfEO is “ a resource offer” and “someone who has been invited to help.” It is not clear whether it will be possible to decline the offer of help. We are particularly concerned about how this consortium will shape national policy.

“The Department looks forward to establishing a close working relationship with the CfEO. The operational relationship between the CfEO and the Department will be defined in the terms of the grant which will be discussed at the dialogue stage.”

<http://www.everychildmatters.gov.uk/files/CfEO%20QA%20Briefing19May08.rtf>

Through its work, the CfEO will put forward to Ministers and the Department any recommendations for national level action. Decisions will then be made on how to handle this. In addition, evidence of what works will help inform the nature of new policy, and the data development agenda will inform thinking about new research / evaluation activities.”

DRAFT STATUTORY GUIDANCE CONTAINS MISLEADING OR AMBIGUOUS STATEMENTS ABOUT CHILDREN WHO ARE OUT OF SCHOOL.

The draft statutory guidance also contains a number of ambiguous or misleading statements about children who are not attending school. We go on to highlight these in the following areas:

outcomes

deficit model

safeguarding

children missing education

extended schools

offer of five hours of culture a week

OUTCOMES/PERFORMANCE DATA

The Department should review the prodigal use of the term “outcomes” On page 4 we read about “demonstrable improvements in outcomes.” On page 5 we hear about “the drive for better outcomes for young people” and “improving outcomes for all.”

On page 8 we learn that “The Children’s Plan says that every young person should achieve their potential and enjoy their time in education.” Education Otherwise has received the following assurance from DCSF:

“We note the concerns you have raised about our proposal in the Children's Plan to publish performance data for pupils not on a school roll. The Department will be consulting with Local Authorities about this aspect of the Children's Plan and we will make it clear to them that it does not apply to children and young people who are being home educated.”

SAFEGUARDING

The following has no place in statutory guidance and contradicts statutory guidance and advice to practitioners given in Working Together to Safeguard Children 2006. In particular the following has no place in statutory guidance on section 10, since the remit of Local Safeguarding Children Boards is set out in section 13 and not section 10.

“Children’s safety is fundamental to their broader well-being. Relentless focus on protecting the most vulnerable gives lessons that can be extended to improving safeguarding for all children” p.7 draft statutory guidance.

Working Together to Safeguard Children 2006 already set out the role and priorities for the Local Safeguarding Boards.

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/>

The main remit of Safeguarding Boards outlined in Working Together to Safeguard Children p.46 onwards, making it clear that the priority function of a local safeguarding children board is PROTECTION. It says that PREVENTATIVE work should only happen as part of wider remit if this can be done without neglecting core work. Furthermore, it says that preventative work should be focused on children who come from groups identified as likely to be vulnerable.”

4 Do you think there should be any changes made to the current system for supporting home educating families? If you answered yes, what should they be? If you answered no, why do you think that.

Yes,.No, and Not Sure.

Sorry we are unable to answer this question. We don't understand the terms. Could you say a little more about what is meant by “the current system for supporting home educating families?”

As we indicated briefly in our preliminary meeting with Graham Badman on February 11th, home

educators have a number of ideas about what could be done to support home educating families. But we never get to this point in the discussion because we are constantly firefighting and defending attacks on our way of life. As we said at the meeting, we are extremely concerned at the use of the word “support” in the same breath as allegations about home education being a cover for forced marriage and domestic servitude.

5 Do you think there should be any changes made to the current system for monitoring home educating families? If you answered yes, what should they be? If you answered no, why do you think that?

Yes, No and Not Sure

Sorry we are unable to answer this question. We don't understand the terms. Could you say a little more about what is meant by “the current system for monitoring home educating families.”

6 Some people have expressed concern that home education could be used as a cover for child abuse, forced marriage, domestic servitude or other forms of child neglect. What do you think Government should do to ensure this does not happen?

Sadly it is probably not possible to ensure that people do not express these concerns. This aim may be too ambitious. However, if the Government wished to dispel concern it could review the correspondence between Annette Taberner of Education Otherwise and Wayne Ives of the Forced Marriage Unit. This information was also made available to the DCSF as part of the consultation process for revised statutory guidance on Children At Risk of Not Receiving Suitable Education in October 2008.

Additional evidence submitted as part of EO consultation response.

Email correspondence (in reverse date order):

Dear Annette,

Thank you very much for your email and please accept my sincere apologies for the delayed reply. To respond to your key questions:

“I've checked and double checked, and the information you are requesting is not collected. The Forced Marriage Unit, based in the Foreign Office collect some statistics on the reported cases of Forced Marriage, - however this doesn't go into the sort of detail you are requesting - it covers age, gender, geographical region. I wonder ,Wayne, if you can you confirm that this is the position please?”

I can confirm that the statistical records of the forced marriage unit do not include the level of detail that you are requesting in relation to their education. Our primary statistical focus, as Jamie has outlined, are the ages, genders, UK regions of origin and third countries in cases.

“In our conversation you said that young people are taken out of school prior to forced marriages taking place. I have in the past undertaken voluntary work with the Citizen's Advice Bureau close to my home in inner city Sheffield and through that work and my contact with my neighbours I have been aware of this important issue for a number of years.

I asked if the young people you were referring to were young people whose parents had gone through the official de-registration process and had informed the school of their intention to home educate their child.

Are you able to confirm that there is no evidence that this is the case?”

I can confirm that we have no evidence that parents have gone through the official de-registration process in cases of forced marriage where the victim is removed from school prior to the marriage taking place. It should be noted

though that the lack of evidence in itself is not conclusive as we cannot predict the percentage of victims in these circumstances where the parents in fact have gone through the official de-registration process.

"If children and young people are withdrawn from school without proper de-registration and a stated intention to undertake home education they could not be classified as home educated. With this, more accurate definition of home education in mind could you please answer the following question?

Is it the view of the Forced Marriage Unit that home educated young people are at greater risk of forced marriage than other groups?"

The Forced Marriage Unit certainly does not hold the view that home educated young people are at greater risk of forced marriage than their peers or that there is any causal link between home education and forced marriage. However, in cases of forced marriage, the perpetrators are almost invariably the parents and families of the victims and the primary safeguards (particularly for young people) are the statutory agencies. It is absolutely not inconceivable that perpetrators of forced marriage do/will exploit the home education system to allow them the opportunity to have a greater level of control over their child's freedoms.

Best regards,
Wayne

From: Annette Taberner
Sent: 20 October 2008 00:40
To: Wayne Ives
Cc: Jamie Kelly, Iain Campbell
Subject: RE: forced marriage and home education

Dear Wayne

The consultation period which prompted this enquiry is nearing a close. I do not appear to have had a response to this mail.

Regards
Annette Taberner
Education Otherwise

From: Annette Taberner
To: Wayne Ives
Cc: Jamie Kelly, Iain Campbell
Subject: forced marriage and home education
Date: Sun, 5 Oct 2008 00:05:40 +0100

Dear Wayne,

As you may recall I telephoned the Forced Marriage Unit at the Foreign and Commonwealth office on Thursday 2nd October to talk to someone about the current Consultation on "Revised Statutory Guidance for local authorities in England to identify children not receiving a suitable education."

Towards the end of our conversation I asked if I might e-mail you to get written responses to some of the questions I needed to ask.

I am a member of the Government Policy Group for Education Otherwise and one of the people putting together a response for the organisation. Education Otherwise has been established for over thirty years and is the largest organisations working with families who home educate their own children.

We met with the DCSF last month and discussed our concerns with Jamie Kelly who is coordinating the consultation; with Nicola Doyle and Emily Carter from the ContactPoint team and with Denise Hunter who was, at that time, a member of the DCSF Elective Home Education Team.

At that meeting we were told that the catalyst for the consultation and the

proposed changes to the guidance was the Home Affairs Select Committee Report on Domestic Violence and Forced Marriage. The current guidance was introduced in 2007 and as I am sure you are aware some of the measures contained in it, like ContactPoint, are not yet operational. From my reading of the new measures on forced marriage it seems many of these have yet to be implemented. We were told that the Home Affairs Select committee had asked for revised guidance as a matter of urgency.

There is no evidence in the report of the Select Committee that any consultation was undertaken with organisations representing home educators. Similarly, in the DCSF there had been no consultation with organisation working in the field of home education prior to our meeting, but in the preconsultation period the DCSF had consulted with;

CME co-ordinators

Local Data services

Some of the local ContactPoint teams

School Attendance

Sadly, it is our experience that many people working in these posts have a poor awareness of the law and home education.

At the meeting I asked what the evidence base was for the link which is apparently now being made between home education and forced marriage. No one at the meeting was able to provide this information so I wrote to Jamie following the meeting.

This is part of the text of the e-mail;

At our meeting on Friday I asked what the evidence base was for the linkage which you indicated was being made between forced marriage and home education.

I have spent some time today reading the literature and trying to find the information.

This is the information I would be interested in having:

What are the actual figures for forced marriages where;

the girl/boy is on a school roll

the girl/boy is withdrawn from a school roll

the girl/boy is not on a school roll

the girl/boy is known to be home educated

I wonder if you are able to tell me where I would find this information please?

Jamie replied:

I've checked and double checked, and the information you are requesting is not collected. The Forced Marriage Unit, based in the Foreign Office collect some statistics on the reported cases of Forced Marriage, - however this doesn't go into the sort of detail you are requesting - it covers age, gender, geographical region.

I wonder, Wayne, if you can you confirm that this is the position please?

In our conversation you said that young people are taken out of school prior to forced marriages taking place. I have in the past undertaken voluntary work with the Citizen's Advice Bureau close to my home in inner city Sheffield and through that work and my contact with my neighbours I have been aware of this important issue for a number of years.

I asked if the young people you were referring to were young people whose parents had gone through the official de-registration process and had informed the school of their intention to home educate their child.

Are you able to confirm that there is no evidence that this is the case?

If children and young people are withdrawn from school without proper deregistration

and a stated intention to undertake home education they could not be classified as home educated. With this, more accurate definition of home education in mind could you please answer the following question?

Is it the view of the Forced Marriage Unit that home educated young people are at greater risk of forced marriage than other groups?

In his response Jamie also said:

If your query is related to why the Home Affairs Select Committee made reference to children missing education, and Home Education, in their conclusions, I'm sure the answer is that concerns were raised in witness evidence heard by the Committee. The two witnesses that I can find that mentioned home education, were representing the Crown Prosecution Service and the Family Justice Council.

This material is taken from the evidence given to the Select Committee; Mr Nazir Afzal, Director, Crown Prosecution Service (London West)

Q135 David Davies: Mr Afzal, yesterday I spoke to somebody about the Forced Marriage Unit and I was told that the CPS had figures showing that in Bedford alone 300 girls aged between 13 and 16 have disappeared from school rolls. I do not know why the CPS would have that-

Mr Afzal: Exactly. It is not the CPS. We are aware of the figures.

Q136 David Davies: Can you tell me what the figures are nationally, or what you are aware of?

Mr Afzal: I cannot give you those figures.

Q137 David Davies: Can you write to us about that. That would be very helpful.

Mr Afzal: On the main point that Mr Davies makes, we are not just working with victims of crime, we are looking at potential victims of crime. **We have identified thousands, probably, of young girls between those ages, 13 and 16, who are no longer in education. Very many of them are, allegedly, being home-schooled and very many of them are not being home-schooled at all because there is no means of being able to check what is happening to them.** Very many of them will end up being-well, they are victims already, I would say-victims of forced marriage or honourbased violence. **I know that a number of institutions are receiving freedom of information requests to get the full information.** At the moment I do not have that in the way that you would like, but I am sure we can give you what we have.

Chairman: If you could do that, that would be very helpful.

I have been unable to locate this information anywhere in the report or the written evidence submitted to the committee.

Please can you direct me to this material? Without the evidence these statements are unsubstantiated.

This statement: " Very many of them are, allegedly, being home-schooled

and very many of them are not being home-schooled at all because there is no means of being able to check what is happening to them" **betrays a very poor grasp of the legal situation and is something we would wish to challenge.**

The witness continued:

Q143 Martin Salter: A couple of quick questions to Mr Afzal. I note that the CPS has brought in enhanced electronic monitoring since April 2007, flagging up cases, and, also, that we have these four pilots on forced marriage and honour-based violence in, I think, Lancashire, London, West Midlands and West Yorkshire. Mr Afzal, how many cases has this process flagged up, just so that we can get an idea? Secondly, I know you have not finished the pilots yet, but what are the kind of emerging lessons, if any, you would like to share with us?

Mr Afzal: Thank you. In terms of quantity, I think it is impossible to say right now, largely because we have given an undertaking that we will not talk about it until we finish the pilot in March. Nonetheless, I think the point being made about under-reporting and under-investigation and, subsequently, under-prosecuting will be borne out by the pilot in that respect. In terms of the emerging findings, we have recognised that there is a reluctance (we know already) by victims to come forward. What can we do to make it easier for them? **We have identified certain things that we can do; not just the simple, special measures and those kinds of things that you have already heard about, but what else we can do.**

Q144 Martin Salter: Thank you. I note (and this is really a question across to Margaret who is leading on this) that our inquiry is going to run well into March on this subject, and your pilot ends in March as well.

Mr Afzal: We will do our very best, Mr Salter.

Q145 Martin Salter: What I am asking is would you be prepared to share some further conclusions with us as our inquiry comes to fruition at the end of your pilot scheme?

Mr Afzal: Absolutely.

This is the only material I have found which relates to the report
Written evidence in242

5.8 In July 2007, a pilot on forced marriage/so-called honour based violence commenced in four CPS

Areas: Lancashire, London, West Midlands, and West Yorkshire. This will run until March 2008, and is overseen by a steering group that includes community groups. The group has developed guidance, electronic flagging of cases and training for selected prosecutors. The aims are to:

- identify the number and patterns of cases;
- identify issues facing prosecutors in identifying, managing and prosecuting these cases; and

- inform the development of any national guidance and training for prosecutors to improve these prosecutions and increase support for victims.

The CPS Research Team is currently evaluating the pilots. A report will be published in summer 2008.

I contacted the CPS to ask about the report, this is their response;

Subject: RE:

Date: Wed, 1 Oct 2008 13:15:09 +0100

From: HQPolicy

To: Annette Taberner

Dear Ms Taberner

The publication date for the report is still to be confirmed but will be during autumn 2008. It will then be available on the CPS Website

Regards

Policy Helpdesk

Crown Prosecution Service

It seems the information may not be in the public domain before the consultation closing date.

I contacted Jamie again to ask about the report.

This is the correspondence;

Dear Jamie

I have been pursuing the issue of the evidence base which it was said prompted the Home Affairs select committee to ask for the consultation. From my reading of the select committee proceedings I am struggling to find any evidence base to justify the proposed changes. However, I have chased up the report referred to, please see correspondence below.

I have no idea what the CPS definition of "autumn 2008 " is and wonder if this information will be available before or after the closing date of the consultation.

If it is not publicly available before the closing date of the consultation it will be somewhat difficult to address any issues raised or to correct any inaccuracies about home education.

I have asked if there is anyone associated with the report we could speak to

Regards

Annette

I have not yet had a response.

Looking at the evidence given to the committee I see that in one of the cases in the report a GP wrote an sickness note and that a girl's absence from school, for a whole year, was not investigated. **It would not be correct to identify such a pupil as home educated.**

I think insufficient attention has been given to ensuring that the term "home education" is only used in relation to former school pupils , where parents and pupils have gone through the correct de-registration process and where the parents have said that they intend to home educate.

In other cases it would be incorrect to identify pupils as home educated.

As I am sure you will appreciate, children and young people who are being home educated are "missing from school" but they are not deemed to be "

missing education", Pupils who are on a school register but who are failing to attend are not home educated.

The report states;

169.

We did not investigate the relationship of children listed as being homeschooled to possible cases of forced marriage. However, the link made by experts between home-schooling and forced marriage is troubling, and we recommend that the Government include this issue in a revision of data collection and procedures for identifying cases of forced marriage and child protection.

178 Q 65

Whilst the people who gave evidence may be considered experts in forced marriage it is clear that they are not experts in the law and home education. If the current draft proposals which have been published and are being consulted on go ahead unchanged they will have grave implications for families who lawfully home educated their own children and they threaten to undermine attempts by our organisation at improving joint working between home educators and local authorities.

I am copying this correspondence to a number of individuals who I am also in contact with in this regard

Yours sincerely

Annette Taberner

Following an enquiry from Annette Taberner, Richard Caborn MP for Sheffield Central contacted Beverley Hughes about the "Children missing education" consultation. In a letter to Richard Caborn MP, Beverley Hughes MP - Minister of State for Children, Young People and Families said:

"Mrs. Taberner raised concerns about the new statutory duty placed on local authorities by section 4 of the Education and Inspections Act 2006, for them to make arrangements to identify children not receiving education. Mrs Taberner's concern is that the implementation of this new duty will cause home educators difficulties if local authorities misinterpret the legislation by thinking it includes those being home educated. The new statutory duty is an essential part of the Every Child Matters: Change for Children programme. Children who are missing from education are more likely to be vulnerable in one way or another. They may be from disadvantaged families, travelling communities, immigrant families be unaccompanied asylum seeking or trafficked children, or be at risk of neglect and abuse. It is imperative that local authorities, therefore, have robust measures in place both to identify quickly when a child is missing from education and to follow through with effective tracking and enquiry systems.

When developing the statutory guidance to support this new duty, which will be published on 27th February, my official fully consulted the national home education organisations, as they recognised the potential confusion. These organisations and several parents of home educated children also responded to the public consultation for the statutory guidance and the guidance was amended accordingly. As a result the statutory guidance now makes it clear that the new duty does not apply to children who are being educated at home, as these children are not "missing from education". The guidance also makes it clear if the local authority discovers a child identified as "missing from education" is being home educated, no further action should be taken unless

there is cause for concern about the child's safety and welfare."

<http://www.freedomforchildrentogrow.org/pr230508.pdf>

<http://www.freedomforchildrentogrow.org/SPRY%20EMBARGOED%20PRESS%20RELEASE%20090607.pdf>

<http://www.freedomforchildrentogrow.org/SPRY%20PRESS%20RELEASE.pdf>