

REPORT OF MEETING EO/DCSF MONDAY NOVEMBER 19TH 2007

10.30- 1.30

DCSF

Iain Campbell, Denise Hunter. DCSF Darlington.
Josephine Howarth from DCSF 14-19 Unit, London (from 11-11.15)

EO GOVERNMENT POLICY GROUP

Ann Newstead, Fiona Nicholson, Joss Nowell, Annette Taberner

REPORT OF THE MEETING

EO asks if D&I have any news on progress with the Guidelines Consultation Report.

DCSF say no, it is still under consideration by Ministers.

EO representatives introduce themselves. They state whether or not they are known to local authority. Between us we have children ranging from baby to 15 year old. Some have never been to school; some have been de-registered following problems with school. EO sets out some of the ways we are in touch with members and home education community via Helpline, internet support lists, main website and campaign website.

We explain the role of EO local contact and the range of our grassroots experience. (3 of the 4 EO people present have LC experience and 1 is Chair of local home education support group) We talk about our wide experience of different local authorities, how it depends on temperament and attitude of individual, how it is a postcode lottery, how they have no training and invariably come from school background. We give examples of where home educators are starting to talk collectively to their local authorities.

MODELS OF GOOD PRACTICE/BENCHMARKING

DCSF is very interested to hear about models of good practice and examples of local authorities and home education community working in partnership.

D&I say that local authorities have asked them what is good practice, in order that they have benchmarks. EO hopes this would drive up standards and points out that we asked the home education community for examples of good practice which we included in our Guidelines Consultation response.

NEW DCSF TEAM FOR HOME EDUCATION AND INDEPENDENT SCHOOLS STRATEGY

EO asks about relative roles and responsibilities of Denise and Iain. We enquire if they are two halves of the same job and if they also have responsibilities in other areas.

DCSF say that they are part of the team which was newly created in July to deal with a number of different policy areas such as home education.

D&I's other areas of responsibility are independent/state school partnerships and independent schools strategy, plus state boarding schools. (Those areas are not necessarily linked.) Home education used to come under independent schools in the old DfES but DCSF explain that this new department places more emphasis on the broader strategic element of the Department's policy towards independent schools.

EO asks whether this applies also to home education and DCSF confirms that the new team for home education is also about strategy and policy.

D&I says that their main job is to advise their Ministers and administer their policies. Part of their job also involves liaising with support organisations and in addition they see part of their role as talking with other Departments in relation to home education, often on the back of EO getting in touch and raising an issue. The home education team does not have a pro-active cross-department brief.

DIALOGUE WITH 14-19 UNIT (ONGOING)

11 am Josephine Howarth 14-19 Unit arrives as planned, bringing copies of the Raising Expectations leaflets. The meeting is already aware that JH is only available for 15 minutes. EO wants to clarify who we should contact at 14-19. We learn that Sara Germain has now left this policy area.

EO comments that the future role of the local authority for post 16s has not been clarified, it seems as though a lot of this still has to be defined. JH says that the legislation in this area is only in early stages with the Education and Skills Bill which has yet to go through parliament and officials can't jump the gun on the legislation.

JH says that legislation is one tool but a lot of it is about implementation the next job is working out policy details.

CURRICULUM REFORM; COST OF TAKING EXAMS; ACCESS TO EXAM CENTRES; EDUCATION MAINTENANCE ALLOWANCE ; FUNDING FOR UNDER 16 AT COLLEGE; PROBLEMS WITH THE BENEFIT SYSTEM

EO says it wants dialogue with 14-19 Unit and Darlington about number of issues : eg implications for home educators of proposed changes in coursework arrangements; the problem of getting coursework authenticated ; the financial burden of exams on home educators; the difficulty of gaining access to local registered exam centres; Education Maintenance Allowance for home educated young people, as happens in Scotland; funding for under 16s to go to college; problems with the benefit system if home educated young people are studying at home for qualifications above a certain level.

EO makes the point that when the consultation on raising the participation age was announced, home education was not mentioned as a legal option. JH says that this was an oversight which has now been rectified.

EO returns to the question mark over the role of the local authority in eg facilitating access to examination centres, particularly in the light of increased responsibilities for local authority set out in Raising Expectations policy document. But local authorities also have no funding for home educators.

EO also makes point that it greatly depends on how the legislation and regulations are framed as to whether or not we are inadvertently included or excluded. For example if it says "all young people" then we might claim an entitlement, but if it says "all pupils" then this can be a reason to say it doesn't apply to us.

EO mentions in passing that local authority officials are often not aware either of the

logistical barriers to gaining formal qualifications or to the fact that FE colleges will consider non-standard entry (ie without GCSEs) for home educated applicants.

EO says we have recently assisted Connexions in revising their website pages for this area.

EO also talks about personalised learning and how for some people it is a positive choice NOT to take formal exams before 16.

EO returns to question of whether we would liaise directly with 14-19 Unit or approach Darlington in the first instance.

DCSF asks EO to keep them informed about concerns, saying they are not there to advocate our views and that's why we need to be able to identify, possibly with Darlington's assistance, where to address the issue in another policy area or Department.

EO says that the Secretary of State Ed Balls did not know much about home education. For example, he said that home educated young people did not need EMA because they were at home and did not have travel costs. He also appeared to be under the impression that home educators got a lot of other help.

ACCESS TO EXAMINATION CENTRES

The question of access to examination centres is raised. The Department is exploring various options and hopes to have a further meeting with home education support organisations about this in the New Year.

EO says there are several ways to move this forwards. One is pilots in particular areas, which is something that's happening in Yorkshire already. Another way forward is to tackle it nationally, where the aim would be to have a centre within x miles of every home educated young person. One incentive for the local authorities to move on this might be that at present there are no positive reasons for home educators to have any kind of relationship with the local authority.

EO gives example of pilot scheme of studio schools in Luton, different ways of doing education and training. Mainstream could learn from home education.

TRUANCY SWEEP POLICY AND PROCEDURE

EO brings up the issue of truancy sweep policy and procedure. There are cases where the home educated young person tells police and EWO that they are home educated. The law states that they should then be allowed to go on their way. This does not happen. EO gives example of young person who was accosted by unidentified truancy patrol personnel and bundled into unmarked car. This is an issue for home educating families and a particular problem for home educated young people who want to travel independently. Guidance is being ignored.

EO outlines what has been done in **Sheffield** and **Bexley** at a local level to try and rectify this. In Bexley the LA asked EO to come in and train police and EWOs.

EO : it shouldn't have to be our job to make sure that police know what the law is. Police are getting their information about the law from EWOs. When truancy patrol personnel

over-step the mark hundreds of people know about it almost instantly. There is an efficient home education information network.

EO : D&I might not think they actually had to tell people not to behave in that way in the course of truancy work. What is the mechanism to get this changed? Is it via the home education team in Darlington or is it in some other way. Is it the Home Office? Some home educators think we shouldn't even be in a meeting talking to Government, banging our heads against a brick wall. People are of the opinion that Government will sit and listen and nod and then go away and nothing will change.

DCSF asks what EO is looking for them to do.

EO: We don't know what Darlington can do and that is what we are trying to establish. Can they talk to the Home Office? Can they indicate where we ourselves should take this? DCSF Darlington has a central national relationship with local authorities, can this be used to send out a directive or message. There is the recent precedent for a central albeit non-statutory top-down directive in the very fact of issuing national guidelines.

EO is looking to Darlington for clarification. Police and officials don't understand the law about home education and they think that a child out of school is an automatic safeguarding issue. The problem is a breakdown of trust when people in authority get things badly wrong.

EO sees a role for D&I in preventing both sides getting further polarised. Home educators will say that their only experience of the authorities' attitude towards home education is that people are stopped in the street and are treated in a very antagonistic way. We need to resolve these negative issues before we can have any focus on the positives. We need to get these problems out of the way. We need a point of accountability. Who fills that role? Is it D&I and if not, who?

EO : We try and sort things out at a local level ourselves but this is just fire-fighting. What would happen if we got in contact with D&I about a particular authority?

DCSF say that as a Department they can only intervene where a local authority or school is in breach of a duty. If there is something expedient which can be done, the Department can direct the authority to comply with that duty.

EO comments that this is a convoluted way to do business.

DCSF agrees that it can take time and there is also a proper legal process to go through. They have to be dealing with a specific duty and there has to be something they can do to rectify it.

EO: what about those cases where local authorities think they have a duty that they don't have.

DCSF: It is much better if these things can be resolved locally. DCSF would expect local complaints procedures to be followed. The police and the local authority will have complaints procedures.

EO: What if we identified trends?

DCSF: That could mean we could help local authorities better to undertake their duties. This was the reason for a consultation on the guidelines.

EO: It seems that D&I are someone to talk to. But we also need someone who can get things changed. This is about minority rights and we don't have a Home Education Ombudsman.

ROLE FOR LOCAL GOVERNMENT OMBUDSMAN ?

DCSF : The local authority has an Ombudsman. [## This is a link to the Local Authority Ombudsman site. <http://www.lgo.org.uk/index.php> The Local Government Ombudsmen investigate complaints of injustice arising from maladministration by local authorities and certain other bodies. There are three Local Government Ombudsmen in England and they each deal with complaints from different parts of the country. They investigate complaints about most council matters including housing, planning, education, social services, consumer protection, drainage and council tax. The Ombudsmen can investigate complaints about how the council has done something. But they cannot question what a council has done simply because someone does not agree with it. A complainant must give the council concerned an opportunity to deal with a complaint against it first. It is best to use the council's own complaints procedure, if it has one. If the complainant is not satisfied with the action the council takes, he or she can send a written complaint to the Local Government Ombudsman, or ask a councillor to do so on their behalf. ##]

EO says that from media and PR point of view it is tempting to take these cases to the media because if you get it reported in the press something might change.

DCSF can see we have concerns about the way some local authorities are performing their duties but the parents who are themselves affected have a route at local level.

EO : they have another route, which is to refuse to have a relationship with the local authority. We have supported individual families who have done everything they could. They have gone beyond what the law requires, in allowing access to their home, in providing samples of work, in permitting access to the child and still the local authority is not satisfied. So why would anyone want a relationship? We get nothing back. And it is a postcode lottery and a matter of personality and temperament as to whether you get someone who accepts you or not.

SAFEGUARDING AND THE LONDON SAFEGUARDING SCHOOLS LEAD NETWORK

EO: we deal with people who have prejudices and preconceptions about home education and home educators. And people in the authorities who have been given duties about safeguarding are paranoid about our children. We don't have a right of reply and these things are getting cascaded throughout the country.

EO gives instance of **London Safeguarding Board council and London Regional Partnership and London Schools Safeguarding Leads Network.**

It has been written in a consultation response and repeated at meetings that there are serious child protection issues around home education, instances where this has been a big problem. So we contacted the people who wrote the minutes of the meeting. She turns out to be a civil servant from DCSF and we've told her it is really important that we address these cases, can you give us the case studies, and can you tell us which authorities have actually said this.

Because what we have found in the past when people have talked about case studies, they are out of date, new laws are now in place, the regulatory framework has subsequently changed, the climate is different. We've only asked which authorities, we don't want to breach confidentiality. We just want to know who made the allegations. But they can't produce the evidence to back up the allegations.

EO: at the moment this is a matter of hearsay. But as a matter of hearsay it had no place in a report of the meeting and no place being disseminated round London and round the country. The draft response making these allegations was cascaded by the London Board to all the regional partnerships and local authorities and formed the basis of their own consultation responses. So we feel that you are reading the same thing over and over which might seem to make it more and more true, but actually it originated in one place as a matter of hearsay.

EO gives further example of article from 2004 (mentions in passing that EO liaised with DCSF Darlington about Channel 4) from the BBC website. The AEUWM, Education Welfare Managers, sent letter to Beverley Smith saying they have extreme concerns about people home educating their children, that they are abusing them. Home educators then contact the organisation after it appears on the BBC. Written retraction from AEUWM's Jenny Price to the Minister, saying that they have now investigated and have found the allegation not to be true.

EO believes that Darlington will have had a lot of information from a lot of authorities raising safeguarding concerns. But we believe it comes back to Eunice Spry. The local authorities might believe they are all talking about different cases, but it comes back to Spry. We've put in freedom of information requests and it now turns out that there is nothing on which to base these allegations.

EO : your report to the Minister, based on 900+ responses...summarising them...might well pronounce that 70% of local authorities say that they have concerns of safeguarding or abuse in home education. We think that if they were occurring, we would know about them. We have a good networking. We would know. There are 2 cases. One is Eunice Spry. And the other is the child found dead in London. Those are the 2 cases. Out of 50,000.

If we don't get a right of reply, if we don't get a chance to respond to these allegations till after the consultation report is out, that is too late. It has already been with Ministers.

MINISTERS LOOK AT ADVICE FROM A RANGE OF OFFICIALS

DCSF says EO presupposes that Ministers are only looking at the reports of the consultation. **EO** asks what else they might look at and **DCSF** says that Ministers look at advice from a whole range of officials in different policy areas who would give guidance.

JO DAVIDSON, EUNICE SPRY AND THE GLOUCESTERSHIRE SAFEGUARDING BOARD

EO then raises the issue of Jo Davidson. We say we want to look at the people whom we know to be influencing policy.

EO : we wrote to Ministers because we were very concerned that Jo Davidson who is the

head of Children's Services in Gloucester, now sits on one of the three Children's Panels with Beverley Hughes. Gloucestershire is where Eunice Spry lived. This was an abusive foster carer who also home educated. The Gloucester Safeguarding Board appeared to want to make it into a problem about home education. Fix home education and you fix this.

But the Serious Case Review seemed to come down on the side of no, there were all sorts of problems to do with the pathology of this particular woman, to do with issues around private fostering, to do with the way things happened before the 2004 Children Act, so that this could not happen now. We thought that was an end of it. And then we discovered that Jo Davidson from Gloucester was on various Government panels with Beverley Hughes and had a lot of opportunities to raise safeguarding concerns about home education over and over again. So that it would get a completely disproportionate highlight.

In addition, the Chair of the Gloucestershire Safeguarding Board wrote to Beverley Hughes and said something has to be done about home education. And we have a letter back from Beverley Hughes to the Safeguarding Board which invites the Board and any other Safeguarding Board to make a particular focus of safeguarding in a guidelines consultation response.

So on the one hand the response from the Minister says no, there were a lot of other factors. And we do believe that this couldn't happen now because of all sorts of things that have been put in place following the 2004 Children Act. Which is also what Education Otherwise was saying.

And then there's a final paragraph in the Hughes letter that says but a very good opportunity for you to take this a long way further now is for you to put in a Safeguarding Board response and for you to circulate this so that other Safeguarding Board responses can be put in.

EO: so we believe that the other side has the ear of Ministers.

DCSF say that they had a lot of responses from local authorities and from home educators which were very wide ranging in terms of their attitude to different issues and which also commented on a lot of things beyond the scope of the guidelines.

EO : we are operating in a framework which we believe is hostile to what we are doing and over and over again allegations are made about this community and those allegations are heard but our voices are not heard.

DCSF: the draft guidelines that are being consulted on, from a Department's point of view, are an attempt to address this issue as widely and in many ways as positively as we can. Addressing the issue of how local authorities have an acceptable policy on home education in terms of mutual respect. We are aware of local variations but the guidelines set out our policy.

EO : guidelines are good but the safeguarding boards have a different agenda, ie they are saying that home education is a safeguarding issue.
If you take the case of Bromley, they are proposing that all home educators be the subject of a Common Assessment Framework.

DCSF say that they can publish guidelines on the specific duties of the local authority which is for local authorities to interpret. If they can see it an alternative and different way it

is for them to justify that. We can give them our view on what the law is but the legal responsibility is on them and they are responsible for it which is why they have to interpret it for themselves.

DCSF further say that they have looked to reflect the law surrounding safeguarding. They say that they have taken on board the views that have been received during the consultation

EO: because the draft ones didn't have all that?

DCSF confirm that the draft guidelines didn't have up to date legislation and that the consultation responses pointed this out.

“So with these final guidelines, when the Ministers finally do agree, they will better reflect the safeguarding agenda. “

EO : what do you mean by “better reflect” ?

DCSF say they mean it will be clarified. They say they've been criticised for not having the up to date guidance and the legal framework so what they are saying is that they can put out the guidelines, and if the local authority then is interpreting the law, then the authority can be brought back to the legal framework.

DCSF says that the reality is that these are guidelines and a lot of home education groups were very clear to the Department that they were not statutory.

EO what do we do about a London Safeguarding Group that has peddled rumour throughout the country and sets the culture for what we are doing.

LOCAL GOVERNMENT OMBUDSMAN DEALS WITH MALADMINISTRATION

DCSF : if you believe that amounts to maladministration, then that's a case for the Ombudsman. The Ombudsman can act more generally and not just act on individual complaints. They would have to make sure that the source of the complaints that they received were from individuals. Also they have taken on more general battles, sometimes that is as a result of having built up casework in a particular area and decide that it involves more local authorities than they initially thought was the case, but once cases start progressing, if we get that far then it's an incentive for local authorities to act, because they don't want it to be an embarrassment. They mostly genuinely don't want to get things wrong and they're happy for that service.

EO what powers?

DCSF: powers to do things like how they can rectify a wrongdoing and advising LAs on improving procedures so that it doesn't happen again. They can also fine LAs. Their powers are quite wide-ranging powers which are very different to the Department's powers, which are very narrow.

PILOT STUDIES ?

EO: Thinking about pilot studies, we used to believe that the Department told local authorities what they were allowed to do and what they weren't allowed to do. This may or may not have been the case, but it's what we believed. Now from talking to D&I it seems

that the Department sets the legal framework, but on a local level we can look at the law together, the local authority and the local home education community and there can be a local redefinition of the interpretation of the law, based very firmly ON the law.

DCSF: it works differently in different policy areas because some policy areas will have what the law says and in addition the Secretary of State will issue statutory guidance. This isn't the case in the policy area of home education. This is the law as it already stands in all these areas, covering the education side of it, which applies generally to children, and we are able to produce guidelines if we wish to but there is no legal duty which goes beyond a general power to issue guidelines. And we cannot require that they be imposed. The Department has issued guidance to LAs on their safeguarding responsibilities and they must take this guidance into account.

EO says that can be a problem because when you talk to local authorities, they must know that it's a non-statutory area. So what the authorities do is to look at what other authorities are doing and how they did it themselves in the past and if they all seem to be pretty much in line then they must be doing the right thing.

And then you say to somewhere like Sheffield, look, let's try and do it a different way where instead of you policing us, let's look at how we can move forwards in partnership so that we all focus on what benefits the children and you'll all be able to tick your boxes that you've done what you've got to do and that we are able to have a good working relationship with you.

It's a radical thing which makes it very hard, even though we know we have the flexibility to do it. We think that needs to be spelled out. So maybe publicising case studies amongst local authorities, pilot studies.

DCSF: We ARE interested in the positive practices that are going on and local authorities have said to us that they want to know about that themselves.

EO says the authorities think they are not "allowed". Most authorities think that their role is one to one inspection, to go out to people's homes and to inspect their provision on an annual basis. Most of them can't manage to do that, they haven't got the resources. They'll TELL you that's what they're doing, but we know that they're not. They've got huge backlogs. But that's what they think they're supposed to do.

Getting them from that position, saying well actually that's not a very good use of your time or your limited funding. We would for instance prefer you to have a Helpline so that home educators could enquire about exam provision, access to libraries and so on. If we say that as individual home educators at a local level the authorities say they are not allowed or they are fearful about what Ofsted would think. There is a fear about doing things differently.

COMMON ASSESSMENT FRAMEWORK

EO wanted to ask question about Common Assessment Framework. We've looked at the CAF form and the basis of filling it out is where the professional isn't sure which area can help the child, which services are needed. But health professionals tend not to know about home education, which in itself becomes a reason to fill out the form to get other professionals involved. It seems to us that any professional who comes into contact with

home educators needs to be informed about us. If they don't know about home education they would call it "not going to school". They wouldn't call it home education. It would be a negative. They might call it Children Missing Education.

HEALTH PROFESSIONALS NEED INFORMATION ABOUT HOME EDUCATION

EO: Home education needs to be added to the Common Core of Skills and Knowledge for the Children's Workforce. Professionals would receive information about home education, the practice of home education and the law about home education as part of their training.

We can see that it is outside direct responsibility of DCSF Darlington and the consultation guidelines but it IS a cause for concern to very many home educators and part of their day to day experience on the ground. Every time they go to the GP, they are worried that they are going to become involved with another professional, probably a social worker, or an education welfare officer. It is important that at local authority there is a list of things that people can and can't do with you, it needs to be stated clearly that parents have the right to educate their children at home.

CHILDREN MISSING EDUCATION/CONTACTPOINT

EO: it links with Children Missing Education and ContactPoint. Every one of our members who has chosen as is their right not to have a relationship with the local authority will find in the coming year that somebody is going to want to fill in that form on ContactPoint. One of the reasons why we wanted someone from CME here today, and its unfortunate that couldn't happen, is that we need to know EXACTLY what guidance has been given about filling in ContactPoint and what the consequences are.

What if the local authority notices empty field, sees that as potential problem, fills in the blank with home education and then thinks this needs to be checked and inspected or that this should trigger filling in CAF form.

The things that our members have been able to do in the past won't work any more. In the past if they had a letter saying that a place had been reserved at a school, they would just put it in the bin. And they would tell each other that was the thing to do. We're not advising members not to do that but we are now informing members that there will be certain consequences of following this course of action.

We say if you DON'T identify your child as home educated, there will be a blank data field which puts you in the category of children potentially at risk of missing education. But then we can't give any definitive information about what will happen next and that is a big problem.

EO: no one seems to have picked up on the statutory guidance on CME where there is flowchart; child is home educated, log on database end of activity from CME.

EO: we are quite easy to overlook unless we flag these things up. But what will happen as a result of flagging this up today?

DCSF: What we can do is to go back to Sharon [Pitchford] at CME and to ContactPoint and report that we have had this meeting where you raised these points and you are wanting to establish exactly what is the procedure.

EO: And then we can say to our members THIS is what is supposed to happen. And then if that DOESN'T happen, we'll know someone over stepped the mark and as an organisation we'll take it from there.

EO: there is statutory guidance published in February this year on Children Missing Education, section 4 of the Education and Inspection Act 2006. But our members are sending us links to their local authority websites where there is a completely different mindset and different procedures which flout statutory guidance.

For example a local authority might have a procedure where they advise their employees that if it comes to their attention that a child is not attending school, they must keep the data field empty and refer it to Children Missing Education who will carry out exhaustive investigation procedure to find out whether the child is being educated to a satisfactory level as determined by whoever carries out the investigation. And all this must happen before they remove the child from the category of CME.

EO: for every piece of legislation that affects children and families there should be a home education impact assessment. For most of the time we would be writing that there was no impact. But sometimes there is an impact and it makes no sense to be arguing after the event.

DCSF tell us that they will take that message back. They then raise the topic of the recent DWP consultation about Jobseeker's Allowance as an example. They say that the home education team in Darlington could say they can see there's an impact for home educators but it's not their job to say to the other Department what that is on the behalf of home educators.

DCSF home educators are well organised in this area and home educators will draw this to the attention of the Department.

EO is keen to take away something positive from the meeting. We are aware we have hit D&I with a lot of information and a lot of it is negative. We want to move from a negative relationship to a positive one. We need the barriers to come down. A large proportion of home educators are aware of EO and are in touch with EO. We speak to a lot of people. The analogy might be that you have a magazine and you would say that the circulation or subscription is so many but every copy is seen by half a dozen people.

EO : EO has met the DfES before on the basis that the Department has had a policy or a document or a consultation that they want to move forwards so they use EO to sound it out. As soon as we announced this meeting, the assumption was that DCSF had called EO to a meeting to tell us some big bad new thing.

DCSF say that they are happy to meet with EO as one of their key stakeholders. They say they are interested in our views. "For a lot of them we have to take it back and speak to our colleagues."

EO says that is the same for us. If D&I had brought something new to the meeting we would have had to say that's very interesting, we can't comment, we need to take it back to our members for consideration.

DCSF invites EO to contact them and also to copy them in on relevant correspondence.

EO: For every Eunice Spry there are tens of thousands of home educators just getting on with the job of educating their children. The big problem in society is not home educators taking responsibility for their children, it's parents who take no responsibility for their children. It's the other end of the spectrum. And we sometimes get muddled up with that group.

If you appear middle class, if you co-operate with having an inspection, if your children are meeting school age-related targets...you have nothing to worry about...if you are a single parent, if you live in the wrong area, if you have more than two children, if you take your children out following disagreements with the school...then you have big problems...the inspectors come from a school background, know almost nothing about home education, they don't have an open mind about different ways of learning.

There seems to be the right kind of person to home educate and the wrong sort of person. The right can do no wrong. And for other people it feels like they can do no right.

EO: Why are these people in the position in the local authority, dealing with home educators, and having no training and no background? Why do the local authorities want them to come from a teaching background? Who has the responsibility to formulate a different kind of job description? We know of people who run training courses for local authorities. This would be a start.

EO Disability Group. Denise and Iain have read the mail signed by Carole Rutherford from EO Disability Group which is reproduced here:

LETTER FROM EDUCATION OTHERWISE DISABILITY GROUP

Education Otherwise Disability Group wishes to send apologies to the meeting for not being able to send a member to represent the interests of the growing number of home educating families with disabilities. There are several pressing issues which we would have wished to raise.

Firstly, the Disability Group has noted an increase in the number of families who are being referred directly to Social Services upon de-registration of the child from school.

More and more parents are giving up the long fight for statements of SEN and provision and are turning to home education only to find that they then become the focus of a Social Services investigation. There are 2 pathways for a Social Services investigation, commonly differentiated by reference to the relevant sections of the Children Act 1989.

The Disability Group is very concerned that social workers are going down the road of a section 47 enquiry rather than a section 17. Section 47 should only be used when the authorities have reasonable cause to believe that a child living in their area has suffered or is likely to suffer significant harm, whereas section 17 is to assess whether the child or family is in need of services. From what our members are telling us, the pre-CAF procedure is often not followed correctly.

There seems to be a variety of reasons for the Local Authorities and schools to refer prospective home educators to Social Services. Among other issues, we are aware that some schools are using the fact that the parents have often de-registered their child after a long and unsuccessful battle for either a statement of SEN or provision, as a reason to

refer the family to Social Services. The schools are able to provide what they consider to be evidence that parents have become 'over-involved' with their child as a result of their fight for provision, allowing question marks over the parents ability to be rational.

As you may be aware, other support groups for SEN and Disability also make the point that statements of SEN are very hard to obtain. Eirwen Grenfell-Essam, from Network 81, a group who support parents in their quest to obtain statements and provision for their SEN children, has recently stated that it now takes longer and longer for pupils to get statements. She said that her organisation receives up to 3,000 calls a year from desperate families saying the impact of delays is "devastating".

Secondly, there seems to be distinct lack of understanding of home education in social services departments, and on top of that there seems to be a wide spread view that whilst home education is fine for many children, it is not suitable for disabled children or children with statements of special educational needs.

There are Local Authorities who do not appear to know that once de-registration has taken place, a parent does not have to provide the specific elements that were written into a statement of special educational needs. This statement would only ever be applicable to the additional provision deemed to be necessary in the institutional setting, not the home.

The Disability Group feels that a communication from the DCSF directly to the Local Authorities' Education and Social Services Departments and to the Safeguarding Children Boards will help people to understand that home education is legal, and to remind them of both what their duties are, and are not.

Another major area of concern for the Disability Group is the fact that when children are de-registered from school many families also lose the interventions and therapies which their children had been receiving outside the school setting. We are aware that this action has even gone as far as removing wheel chairs and lifting equipment.

Some Authorities use access to therapies, interventions and equipment as a reason for parents needing to return their children to school or as proof that children's needs are not being met by their being home educated. We believe strongly that this is both unacceptable and discriminatory.

Although many parents feel that they have been 'forced' to follow the home education route, most are also very quick to state that had they known that home education would have such a positive and profound effect on their children they would have 'chosen' that route years ago."

EO makes the point that the Disability_Group is protecting rights of growing minority. Home educators with disabled children get treated much worse than everybody else. All the people we're aware of who home educate children with learning disabilities, with special educational needs, with physical disabilities, they are in touch with officials and authority figures all the time, they have almost invariably gone through dreadful experiences in schools, they are terrified that they will be judged and found wanting and that the children will have to return to school and they have an enormous set of anxieties and issues around that. It is two different worlds.

EO: It is important to say that we have raised this issue with the Department. If DCSF would meet the Disability Group then that would be a start. Families with SEN

children feel they have no redress at all. They are targeted and the spotlight is on them.

EO: The Government surely wouldn't want to think that it is making people's lives miserable in this way.

EO: experience of supporting family where child has started self-harming again, has had to go back on medication after two and a half years off because the family was contacted by a particular local authority, in a manner which put the fear of God into them. And EO had to go and have several meetings with the family and then sit in on the meeting with the LA, where the LA rep didn't insist on seeing the child because he understood the situation.

EO :a large part of our work as an organisation is dealing with people who have been traumatised by the school system. Children who have been bullied in school. Enormous number of calls to our Helpline. There is a dialogue we need to have about special educational needs. We have expert working groups in these areas. The parents are despairing. They have tried everything. We see the bad cases of what has happened in schools. They phone our Helpline. The child is self-harming. Then they get out of the school system, they make this massive decision...and then they turn round and find themselves confronted by a whole other set of professionals.

Part of our role as an organisation is to make the Government aware of the effect all this has on families. Our groups pick up a lot of children and young people who are at rock bottom, who have had the most awful experiences in school. The children and young people want to do things together.

We have recently discovered about YOF funding which has been a Godsend. If anyone has concerns about home education and socialisation, about working together as a group, about raising aspirations, promoting the objectives of ECM then this is a way to help. (Example given of Theo who is in small group, computer gaming course, the places cost £230 each, which is funded by YOF.)

EO: wants to return to children and young people with disabilities. **EO** gives example of deaf child who is just coming up to school age. We have shared home education experiences with the deaf tutor and also to raise deaf awareness in the home education group. The tutor was very impressed with the group and with the girl's experience as a member of the group. She had previously been pushing for special school attendance but left the event saying that home education was clearly the best thing for this child, that she was happier here than anywhere else, that home education was meeting her needs. This worker then left the area and the new lead professional wore the mother down till she agreed to special school. The mother has been categorically told that the girl needs access to specialist equipment and that this is only possible via school.

EO gives another example of home education being salvation, life saver. Boy in home ed group who had previously been to school, never spoke to anyone. Pressure on the family to return child to school. Finally he is out again to be home educated. Gradually he felt safe and started to speak. It took more than a year. He is now doing fine. And this is because the parents took responsibility and said they would meet the child's needs because the school couldn't. We'd like more recognition of this. It is very important.

We've had people who have been told that they can't have wheelchairs or lifting equipment outside the school system.

EO: the person who has to authorise that expenditure has to tick boxes and the form they fill in doesn't allow them to tick the home education box. Some times someone in the local authority can get round this, if they know the system.

EO: this is a matter of EO communicating with DCSF, explaining where the system is going wrong. We need to know how things can be changed.

EO: local authorities are getting to the point with ECM where the workload is too big already. We can't expect local authorities to be able to sort this out at a local level. CAF is also a problem.

EO gives example of supporting family when social worker tried to do Common Assessment Framework.

EO : we see so much of this on the special needs home education support lists.

EO: the classic pattern for children with SEN is that they have had a really long battle to try and get what they need for their children. They are embattled. And when they finally de-register it's the start of more battles. At which point they may well say nobody ever helped me before. Nobody listened. Enough is enough.

At the end of the meeting we agreed that EO Disability Group would meet D&I in Darlington. DG will be in touch to arrange a date.

We also agreed that EO will set up a meeting with Sharon Pitchford of Children Missing Education team in Sheffield and that we hope D&I will be able to attend this meeting.

There will be an additional meeting at some point in the New Year about access to registered local exam centres.

EO will be getting back in touch with Josephine Howarth from the 14-19 Unit.

Fiona Nicholson
Chair Education Otherwise Government Policy Group
Sunday 25th November 2007