

Comparative Analysis of Home Education in Eight Local Authorities and Nationally: Preliminary Report

Executive Summary

On 24th July 2018, the Home Education (Duty of Local Authorities) Bill [HL] 2017-191 reached the House of Commons, from the House of Lords, where it had been submitted by Lord Soley. In April 2018 the Government published draft home education guidance for consultation.

Many home educating families have approached their MPs to seek support in preventing the Bill being enacted and the Guidance being accepted, only to find that those MPs know little or nothing about home education, save for media propaganda. Consequently, a survey of home educating families was undertaken, to seek to address some of this lack of information available to MPs and to provide data from home educating families, in order to properly inform those MPs as to:

- Why parents choose to home educate;
- How they perceive their local authority's trustworthiness;
- How they perceive their local authority's helpfulness; and
- How they perceive levels of compliance with legislation and guidance, by those authorities.

The main reasons cited for home educating were dissatisfaction with school provision (41%), philosophical reasons (27%) and unmet SEN needs in schools (16%). Only 3% nationally cited 'off rolling' (being coerced into home education by a school) as the reason for home educating and 5% cited bullying, at times including very serious incidents such as rape, serious assault and in one instance, school, peers seeking to radicalise the child in school.

Nationally, 29% of respondents reported their local authority as non-compliant with legislation and guidance, 31% reported their authority as compliant at least usually and 40% did not know. A postcode lottery of non-compliance was clearly evidenced.

Nationally, 27% reported that their local authority was unhelpful, 16% that it was helpful and 57% did not know.

Trust in the local authority was lacking in 53% of responses and only 13% reported some degree of trust in their authority. Levels of trust correlate strongly with levels of perceived compliance with legislation and guidance, with trust being difficult to gain and very easy to lose.

The only reasonable conclusion to make is that local authorities need to reflect upon their practices and create a more mutually respectful relationship with home educating families, before they themselves can be trusted to accept increased engagement with those families.

Introduction

On 24th July 2018, the *Home Education (Duty of Local Authorities) Bill [HL] 2017-19*¹ reached the House of Commons, from the House of Lords, where it had been submitted by Lord Soley. This Bill provides that '*Local authorities have a duty to assess the educational development of children receiving elective home education in their area*' and that this assessment '*may include: (a) a visit to the child's home; (b) an interview with the child; (c) seeing the child's work; and (d) an interview with the child's parent*'. In April 2018 during the progress of Lord Soley's Bill through the Lords and to the Commons, the Government released new '*Elective Home Education Departmental Guidance for Local Authorities*'² for consultation.

These twin forks of proposed change for home education governance within England and in the case of Lord Soley's Bill, in Wales, have stirred significant feeling amongst home educating parents. The consultation, despite being described by home educating parents as difficult to access, unwieldy and containing leading questions, received 3,082 responses, mostly from home educating parents. In addition, over 200 petitions were submitted to constituency MPs and a central petition of 16,386 signatures lodged with the DfE.

Many home educating families have approached their MPs to seek support in preventing the Bill being enacted and the Guidance being accepted, only to find that those MPs know little or nothing about home education, save for media propaganda. MPs have indicated a belief during such meetings and in correspondence, that 'off rolling' (the practice of a school coercing a family to remove the child from the roll) is a serious concern and that significant numbers of home educating parents do not choose to home educate, subsequently failing in their attempts to do so. Local authorities are presented by MPs as being professional and able to be relied upon to act reasonably, proportionally and in a respectful way toward home educating parents.

This report seeks to address some of this lack of information available to MPs and to provide data from home educating families, in order to properly inform those MPs as to:

- Why parents choose to home educate;
- How they perceive their local authority's trustworthiness;
- How they perceive their local authority's helpfulness; and
- How they perceive the level of compliance with legislation and guidance, by those authorities.

Method

In order to provide background information to MPs, a national survey was circulated amongst home educating families, seeking information on why those families chose to home educate, how many years they have home educated for, whether they trust their local authority, whether they believe that their local authority complies with current legislation and whether they consider their local authority to be helpful toward home educating families. Respondents were asked to give a primary reason for choosing to home educate, where they had more than one reason overall.

Responses were received from families who are known to their local authority and by those who are not known to the local authority. The balance between these differed between authorities. Responses were checked to ensure a balanced mix of respondents, with 24% having home educated for 5 years or more, including 7.5% having home educated for more than 10 years and 18% having home educated for 1 year or less. Ages of children were equally balanced between primary and senior school ages.

This preliminary analysis looks at eight local authorities where large numbers of survey responses were received and where those responses highlight the 'postcode' lottery faced by home educators, in terms of how they experience their local authority's actions. In addition, National data is provided for comparison.

Kent County Council (KCC), Essex County Council (ECC) and Staffordshire County Council (SCC) were chosen, as authorities where home education support groups tend to see regular mention of concerns by parents³. In addition, KCC was highlighted by David Wolfe QC, in a recent advice, as having procedures which are disproportionate. Hampshire County Council (HCC), Cambridgeshire County Council (CCC) and Lancashire County Council (LCC) were selected, as authorities where home education support groups tend to see few concerns reported³ and in the case of HCC, where the Head of Education Services chairs the Association of Elective Home Education Professionals (AEHEP)⁴. Derbyshire County Council (DCC) was chosen to provide an example of a rural authority and East Sussex County Council (ESCC) as a more urban example.

Given pressures on MP's time and resources, data is presented in graph form, in order to be readily accessible.

Reasons for home education

Differences between the chosen areas in terms of reasons to home educate were in some respects stark, with 84% of respondents nationally, giving the primary reason for home educating as dissatisfaction with school provision (41%), philosophical reasons (27%), or unmet SEN needs in school (16%) [Chart 1]. This would appear to indicate that dissatisfaction with school provision is sufficiently strongly felt by some families to prompt them to choose to home educate their children, when they might not have otherwise done so. Parents in KCC, which attracts considerable concern in home education groups and LCC, which attracts minimal concern, had the highest percentage of dissatisfaction with school provision as their primary choice. The lowest levels of dissatisfaction were cited in ECC, which attracts considerable concern in home education groups. This would appear to indicate that level of dissatisfaction with school provision does not influence how families view the local authority.

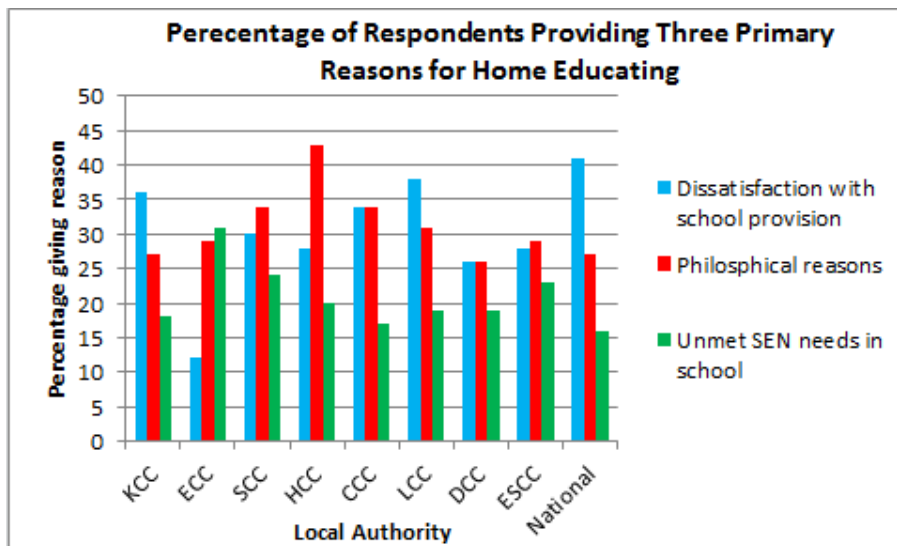


Chart 1: Percentage of parents providing three primary reasons for home educating.

Philosophical reasons for home educating, which are referred to in Government draft guidance² as ‘positive reasons’, were highest in HCC, which is seldom the source of concerns on home education groups.

Off rolling by schools is cited by MPs and Local Authorities in meetings as a serious concern. Notwithstanding, only 3% of parents nationally cited off rolling, as their primary reason to home educate. Again, the differences between authorities were stark, with 9% of SCC parents citing off rolling as their primary reason and only 2% of HCC parents doing so [Chart 2]. It would appear that this problem is more local authority specific, rather than generalised nationwide. Further, the 3% national level would indicate that off rolling is not as serious a concern as some MPs have thought.

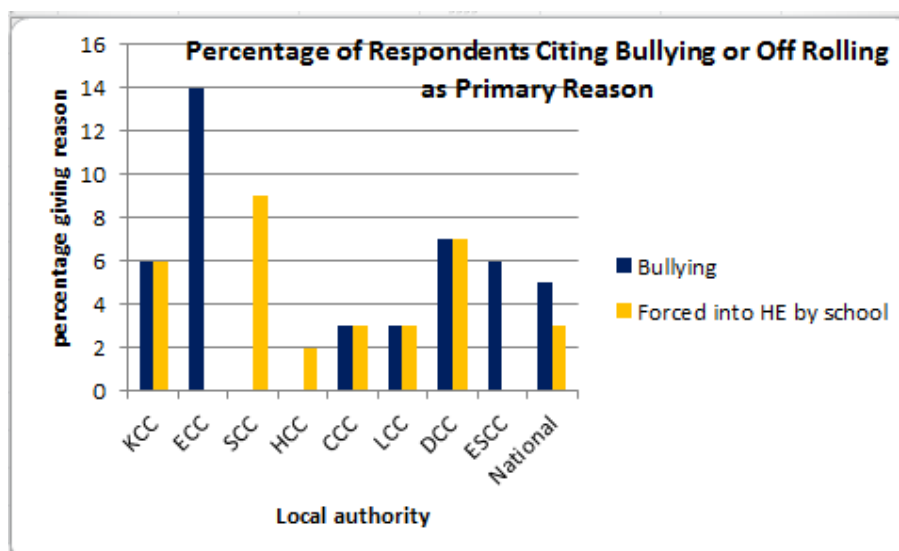


Chart 2: Percentage of parents providing Bullying, or off rolling, as primary reasons for home educating.

Bullying in school as a primary reason is at 5% nationally. That significant numbers of families feel bullying to be such a serious concern that they choose to home educate their child is, of itself, cause for concern. In ECC the level of bullying as a primary reason was

given in 14% of cases, indicating that ECC has a significant bullying problem in schools which, if addressed, could possibly lead to reduced numbers of home educating families in that authority area.

Bullying was below national levels in all three authority areas chosen as seldom raising concerns on home education groups, with LCC at 3%, CCC at 3% and HCC having no respondent cite bullying as their primary reason.

Worryingly, bullying as the primary reason for home educating attracted the most comment by respondents, with individuals citing bullying by teaching staff in addition to bullying by peers, as the reason for removing the child from school. It must be noted that 'bullying' is a term used in schools to cover behaviours ranging from name calling, to serious assaults and individual respondents referred to their children having been subjected to behaviours such as rape, serious sexual assault, stabbing, physical assault by a teacher and in one case the child had been persistently harassed by peers seeking to radicalise the child. In each case of bullying, the parent had removed the child in order to safeguard them.

Local authority compliance with legislation and guidance

There is apparent assumption by MPs and the DfE that local authorities are currently compliant with legislation and guidance, which assumption, if correct, would indicate low risk levels in extending the power of those authorities, as proposed under the Soley Bill. However, home educating families report different experiences of their local authority's compliance levels.

This is an issue of concern for home educating families, as at present ultra vires behaviour by the local authority attracts no meaningful, or accessible means of redress for families. Where a school attendance order (SAO) is issued, a parent may apply to the Secretary of State for Education to have the SAO revoked, which is in practice the DfE. Anecdotal evidence from home education support groups indicates that in recent years, the DfE has routinely declined to revoke SAOs in home education cases, where the local authority has followed their own local policy, no matter how greatly that policy diverts from National Guidance or, indeed, legislation. Parents may also refer a complaint to the Local Government Ombudsman (LGO), but again, anecdotal evidence from home education support groups and examination of recent reports by the LGO, indicate that the LGO will not address issues which could be addressed by appeal to the Secretary of State, restricting themselves to examining whether or not the local authority has followed its own policy. The draft home education guidance directs local authorities to develop their own policies, which clearly suggests that the postcode lottery experienced by home educating families, will be exacerbated should that guidance be accepted.

Respondents to the survey were not always aware of whether or not their local authority was compliant with legislation and guidance, with 40% nationally answering 'I do not know', to the question of whether the authority is compliant with legislation and

guidance. Regional levels of reported compliance also differ with highest levels of trust being reported in the North East and North West and lowest levels of trust reported in the South East, East Midlands and West Midlands [Chart 3].

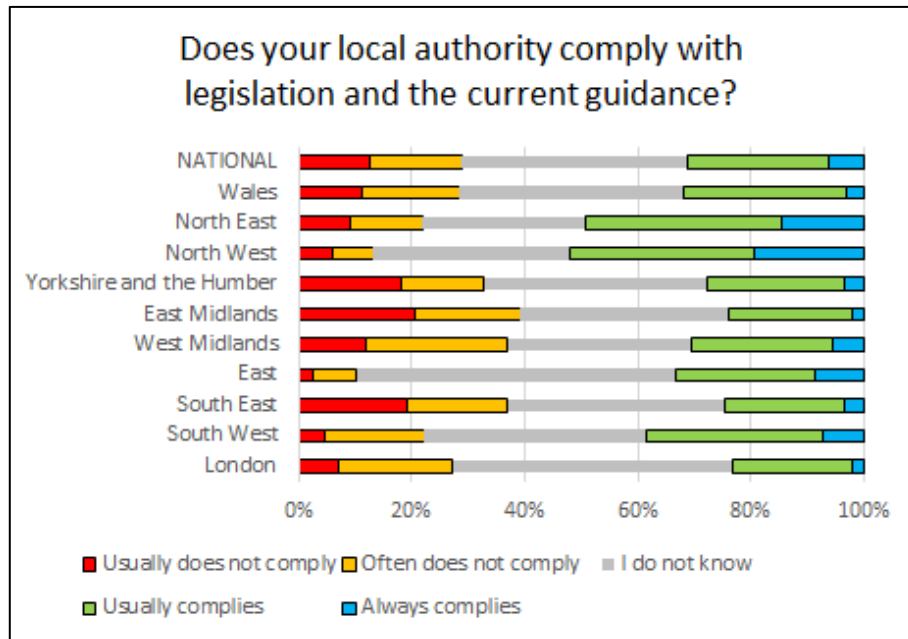


Chart 3: Regional levels of local authority compliance with legislation and guidance.

Where this question was answered with an opinion of compliance level, the difference between two of the three local authorities, which receive high levels of concern reported on home education groups (KCC and SCC) and those for which little concern is reported on home education groups (HCC, CCC and LCC) was stark. Responses of 'usually does not comply' and 'often does not comply' were 53% for KCC and 66% for SCC, compared to the national levels of 29%. Whereas, levels were 9% in HCC, 0% in CCC and only 6% in LCC. That any authority should fail to comply with legislation and guidance is unacceptable. That 29% of respondents nationally report their authority as non-compliant, is a poor reflection on the current levels of compliance with legislation and guidance by local authorities. KCC and SCC results indicate an urgent need for examination of the reasons behind this significant negative response. It is not credible that such a high negative response would be received, if compliance was not an issue [Chart 4].

Nationally, only 31% of respondents report their authority as 'Always complies' (6%) or 'Usually complies' (25%) with legislation and Guidance. ECC and SCC were reported as compliant in only 10% of cases (KCC) and 9% of cases (SCC). This is at the very least a poor reflection on how home educating parents perceive ECC and SCC's conduct. It seems unlikely that such a significant number of respondents are in error on this point, which requires urgent investigation. Conversely, the figures for 'always complies' and 'usually complies' were HCC 56%, CCC 43% and LCC 66%, each considerably higher than the national average. It may be that the sharing of good practice by HCC, CC and LCC could assist less compliant authorities to become more compliant.

Figures for ECC, DCC and ESCC were relatively well balanced between negative and positive responses, although the figure for ECC requires further investigation, as 64% of respondents in ECC area reported not knowing whether the local authority was compliant or not. An examination of the ECC online statement about home education shows that statement to be compliant⁵, but general concerns reported to home education groups for ECC relate to the practices of education staff. The survey is not designed to elicit full reasons why respondents do not know whether or not their authority is compliant, and this is a matter that may warrant further research.

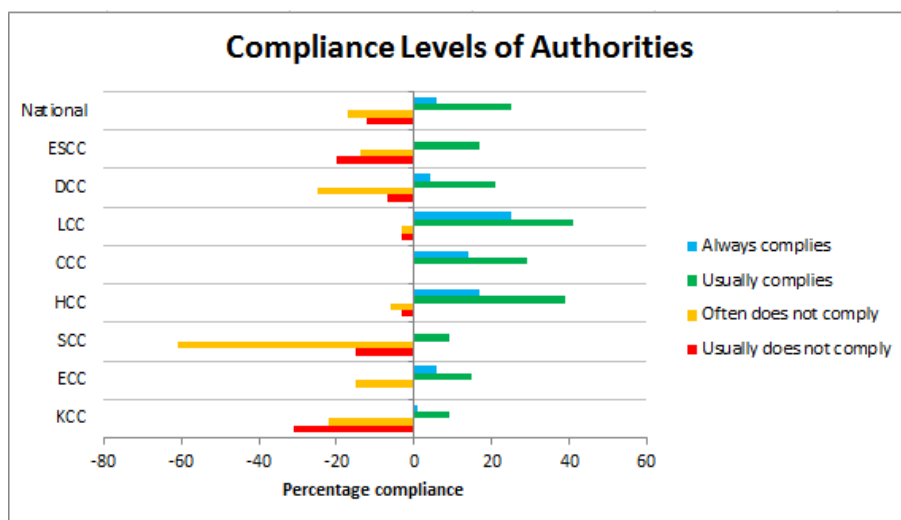


Chart 4: Home educator perception of Local authority compliance with legislation and guidance by percentage: negative responses shown as negative percentage.

Overall response levels indicating lack of compliance with legislation and guidance, are a possible explanation of reluctance on the part of home educating parents to engage with poorer performing authorities, as those authorities would wish them to engage. At the very least those authorities should be questioning their practises and reviewing how they can become more compliant.

Levels of Local Authority helpfulness

Much stress has been put on the need for local authorities to support home educating families in both debate on the Soley Bill and in the draft guidance consultation. Consequently, respondents were asked how helpful their local authority is.

Nationally, 57% of respondents reported their local authority as being 'neither helpful, nor unhelpful'. Individually studied authorities reported a range from 43% (SCC) and 74% (CCC). This level of ambivalence may reflect a lack of help seeking by respondents, leading to lack of knowledge of whether such help would be available, however, further research would be needed to ascertain the reasons for these figures [Chart 5].

Nationally 27% of respondents reported their authority as being either 'very unhelpful' or 'somewhat unhelpful', whereas only 16% reported their authority as being either 'very helpful' or 'somewhat helpful'. Given the rhetoric surrounding the need for support for home educating families within debate on the Soley Bill and in literature pertaining to the

draft guidance, this paucity of helpfulness needs further investigation. The Education Committee reported:

*'The role of the local authority is clear with regard to home education. They have two duties: to provide support for home educating families (at a level decided by local authorities themselves), and if families wish it.'*⁶

Notwithstanding rhetoric and statement suggesting that support should be given, little appears to be given. Further, when local authorities were asked 'What support do you offer to home educating families in your region', the majority of authorities responded by stating that they offer 'monitoring visits', or 'safeguarding visits' to home educating families⁷. It is extremely unusual to see any home educating family reporting either monitoring, or safeguarding visits by their local authority as 'support'. Indeed, since publication of the Soley Bill and draft guidance, home education groups have seen a significant rise in concern being stated that monitoring and safeguarding visits will be imposed upon them. It would appear that whilst authorities are describing monitoring and safeguarding visits as 'support' such actions are not perceived as support by home educating families.

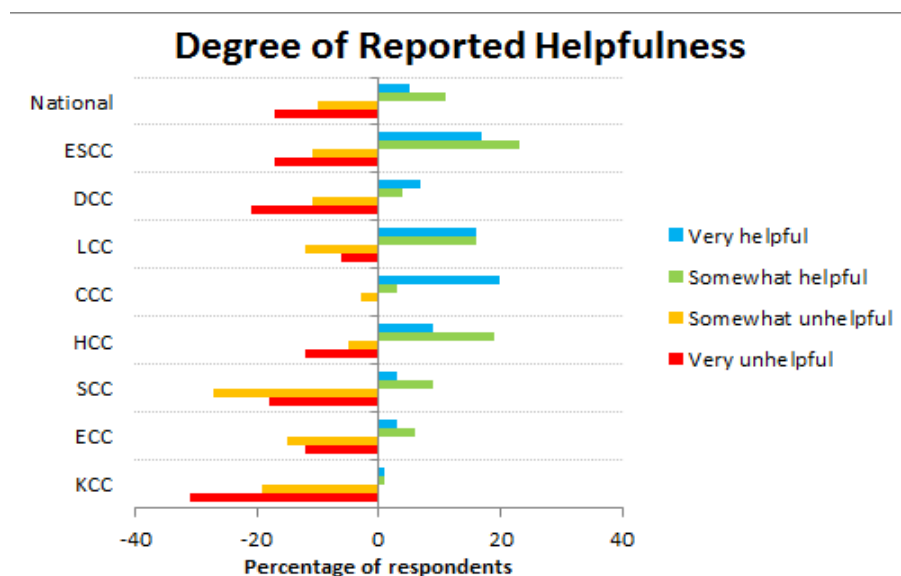


Chart 5: Degree of reported helpfulness of local authorities. Negative responses shown as negative figures.

Reported levels of helpfulness differ starkly, with authorities chosen for high levels of concern on home education groups showing an imbalance toward negative responses: KCC 50%, ECC 27% and SCC 45%. Positive responses in these authority areas are below the national average at KCC 2%, ECC 9% and SCC 12%. Those authorities where home education groups see low levels of concern are all below national levels for negative responses at HCC 17%, CCC 3% and LCC 18%. Again, there is an imbalance, but to the positive range with HCC at 28%, CCC at 23% and LC at 32%, all markedly above the national average of 16%.

This disparity in levels of perceived helpfulness may be in part a reflection of respondents' view of compliance by the authorities, although other factors such as the reasons why the child is being home educated may also play a part. This would be a likely contributor in

cases where bullying and where the parent was forced to home educate are the prime factors.

Levels of trust in local authorities

The Soley Bill proposes that local authority staff should have the right to assess home education by visiting the family home, interviewing the child and interviewing the parent. Anecdotally, this is a source of significant concern for home educating families and, if such a right were to be introduced, trust would have to be established between local authority staff and the home educating families they assess, as in the absence of such trust, interviews in the home will be experienced by families as invasive and even abusive. Local authority staff would in such situations be placed in the unenviable position of interviewing families in circumstances that could feel confrontational, rather than mutually respectful.

Respondents were asked how much they trust their local authority and many were ambivalent about this, with 34% nationally stating that they neither trusted, not distrusted the authority. Individually studied local authorities ranged from 21% (SCC) to 57% (ECC) of respondents stating that they neither trust nor distrust their authority. This could indicate an opportunity for those authorities to develop more trusting relationships with home educating families, given the proportion who are not polarised in their view.

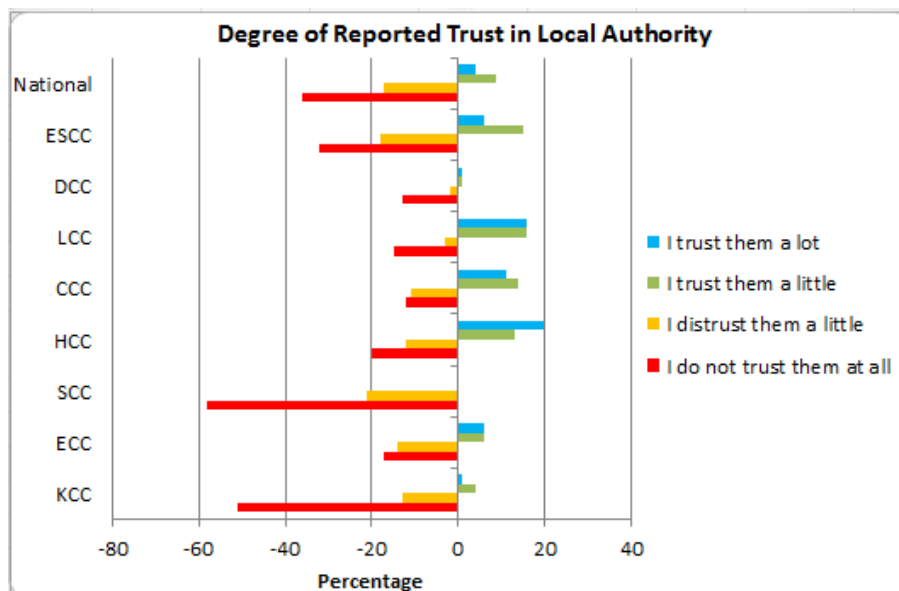


Chart 6: Degree of reported trust in local authority. Negative responses shown as negative figures.

Levels of reported distrust were high, with 53% of respondents nationally stating that they did not trust their local authority at all, or that they distrust them a little. Conversely, only 13% of respondents nationally stated that they either trust their authority a lot, or that they trust them a little [Chart 6].

This level of distrust nationally is of concern and particularly so, where powers to enter home educating families' homes and interview their children are proposed. These responses give a clear indication that some authorities will struggle to build the required

trusting relations, to be able to comply with the Soley Bill, should it be implemented. This is particularly so, given the rapid dissemination of information throughout home educating communities, which can result in reporting of perceived poor behaviour.

Notably, levels of distrust in two of those authorities chosen because of regular concerns being raised about them on home education groups, were noticeably imbalanced toward the negative, with respondents stating 'I do not trust them at all' or 'I distrust them a little' in 64% of KCC responses and in 79% of SCC responses. Those same authorities received low levels of recorded responses stating, 'I trust them a lot' or 'I trust them a little', with only 5% in KCC and 0% in SCC. A high negative imbalance was also seen in ESCC with respondents stating 'I do not trust them at all' or 'I distrust them a little' in 50% of responses, although the positive response in ESCC was higher than the National average at 21%.

The three authorities selected for their low level of reported concern on home education groups were in two cases balanced with HCC receiving negative responses in 32% of cases and positive in 33% of cases. CCC received 23% negative and 25% positive responses respectively. It is notable that both received higher than the national average of positive responses. In respect of trust, LCC stood out above the rest with only 18% negative responses, and 32% positive responses.

Regionally, levels of trust were poor, with respondents in Wales reporting highest levels of distrust at 69% of respondents reporting that they either distrust their local authority a little, or do not trust them at all. Highest levels of trust were reported in the North West, but these remain low with only 26% of respondents stating that they trust their local authority a little, or a lot [Chart 7].

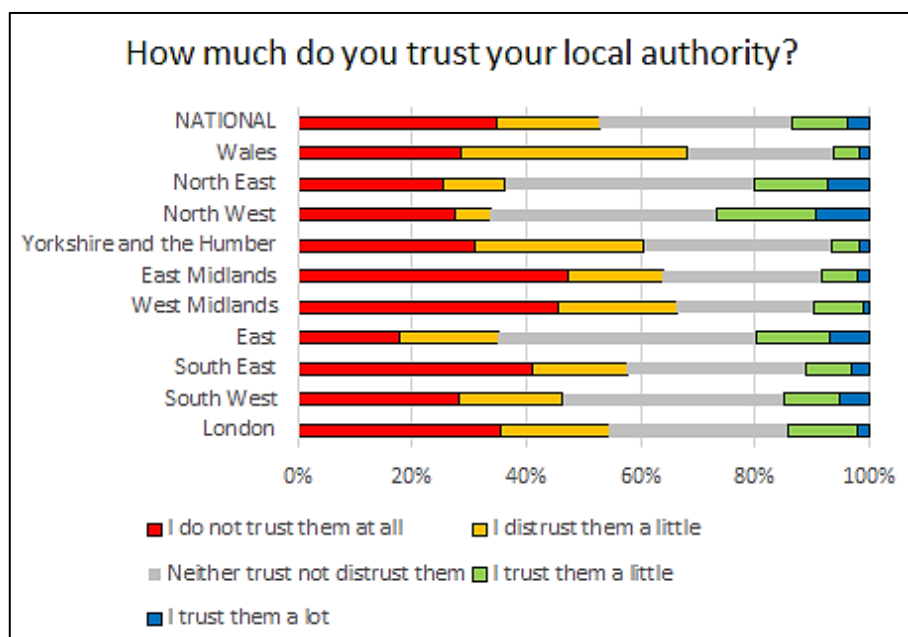


Chart 7: Levels reported trust in local authorities, by region.

It is essential that local authorities build trusting relationships with home educating parents, as otherwise, any attempt at engagement starts from a basis of mistrust, which leads to misunderstanding and breakdown of any nascent relationship. Positive engagement cannot be created through compulsion, where trust is absent. This is particularly startlingly demonstrated in KCC where the draft guidance consultation response states that compulsion is necessary to obtain positive engagement and yet levels of distrust are amongst the highest nationally.

‘Compulsory registration would mean parents and families are more likely to engage positively with the LA, which in turn will help dismiss the misinformation produced by some home education groups to discredit LA’s and the positive work they seek to do to support home educators.’⁸

Compulsion does not generally create positive relationships, and this is even less likely where trust is lacking. KCC refer to ‘misinformation’ created by home education groups to discredit their ‘positive work’ and yet survey responses were received from almost equal numbers of home educating parents who do accept visits or have accepted visits and those who do not. Those respondents accepting visits would have directly experienced positive work, where such positive work is in place and their responses would reflect that experience. Further, only 2% of respondents in KCC reported that their local authority is helpful, compared to 50% reporting KCC as unhelpful, a balance which does not indicate a supportive local authority.

Levels of trust were compared to levels of perceived local authority compliance with legislation and guidance, in order to ascertain whether or not such compliance levels affected the trust felt by respondents [Chart 8].

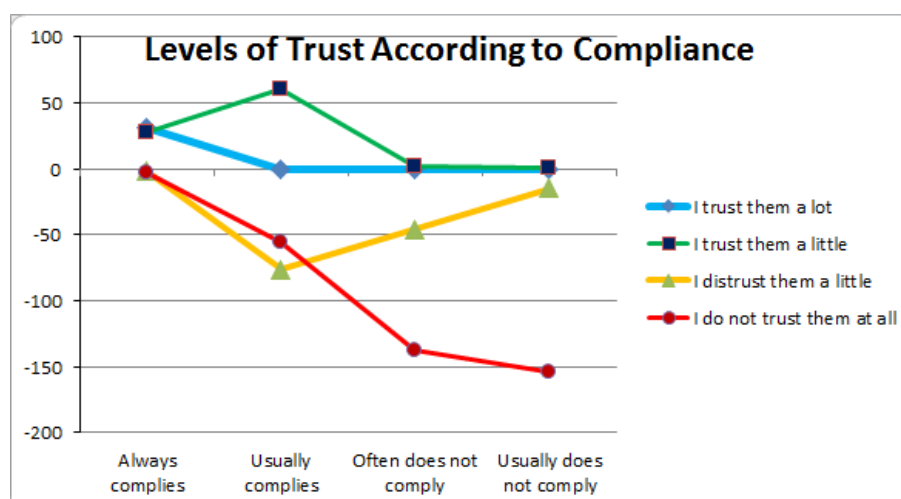


Chart 8: National levels of trust by levels of compliance.

Amongst respondents giving a view on whether their local authority was compliant with legislation and guidance, levels of trust were generally low. Where the authority was considered to always comply, respondents stating ‘I trust them a lot’ were at their highest, but quickly plummeted, with no respondent nationally stating ‘I trust them a lot’ where ‘usually complies’, ‘often does not comply’, or ‘usually does not comply’ were cited.

Conversely, numbers of respondents reporting 'I do not trust them at all' increased significantly, as reported levels of compliance decreased.

A clear correlation exists nationally between levels of perceived compliance by local authorities and the degree to which home educating parents feel able to trust their local authority. Trust appears to be readily lost, given the loss of any respondents reporting that they trust their local authority a lot, immediately compliance levels are perceived as less than constant. Respondents appear far more ready to distrust their local authorities and this distrust increase rapidly alongside reducing levels of perceived compliance. Local authorities need home educating parents to trust them, in order to develop mutually respectful relationships and that trust requires consistent compliance with legislation and guidance, in order to be given opportunity to develop. No amount of compulsion can create trust, as compulsion by its very existence reduces trust and as Parker et. Al. observed, lack of trust can lead to:

*'...grinding battles between the state and its citizens, and sometimes to an outright refusal to participate in government activities.'*⁹

Conclusion

Rhetoric during debates on the Soley Bill, within local authority correspondence leading up to drafting of the guidance and within documentation relating to that guidance, presents home educating families as 'unseen' and their children at risk without oversight by the local authority. Those respondents to the survey who are not known to their local authority, are in fact highly visible, as they attend home education groups and events, together with local clubs and classes provided by organisations such as the local authority, scouts, guides and forest schools. The suggestion that these families need local authority oversight to avoid risk to their children, is not supported by the survey. Comparison of local authorities provides clear evidence that oversight by the local authority, if a family falls foul of being in the wrong cohort when the postcode lottery falls, is experienced by many of those families as avoiding local authority oversight, in order to protect their children from risks posed by those very local authorities.

This survey, as with any survey is to a degree self-selecting, as some parents who are extremely nervous of possible data disclosure have chosen not to complete it and others who do not use the internet, will be unaware of the survey unless they attend local home education groups. However, responses were received from approximately 17.5% of all home educating parents to whom the survey was advertised, which is significant part of the home education population. This is a large number of families, who are the primary stakeholders in the question of whether, or not, the Soley Bill should be enacted and whether or not the draft guidance is acceptable, reasonable and proportionate. It is those families who are reporting their perceptions of their local authorities under the current legislation and guidance, which the survey indicates to include a large number of local authorities which parents do not trust, do not find helpful and which do not comply with current legislation and guidance.

It is clear from these results that relationships between significant numbers of home educating families and their local authorities are broken. These relationships will not be mended by providing further legislative powers to those authorities, nor will they be mended by implementing guidance, which appears to give carte blanche to each authority to proceed as it sees fit, leading to an ever increasing postcode lottery. Local authorities need to take a good look at the services they provide to home educating families and, instead of seeking mandatory interview and oversight, adopt a different approach '*based on empathy, explanation and problem solving*'⁹. Most crucially, evidence from home educating groups suggests that local authorities demonstrate a lack of trust in home educating parents, which lack of trust has no doubt contributed to the negative way that so many parents view their local authority.

It is a sad reflection on those authorities, that although home educating families do at times describe them as 'helpful', 'compliant' and trustworthy, 'empathy', is a word never used to describe a local authority.

Prior to implementing new guidance, or enacting legislation, it appears from these findings to be essential that good quality research is undertaken amongst home educating families, to ascertain if there is a problem which needs 'fixing' and if so, where that problem lies. If respondents to this survey are to have their views acknowledged, it appears that they consider the problem to lie with the local authorities.

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