

Ref: DS/JJ

There is one fundamental issue which underlies most elements of our complaint. That is the incorrect belief by the LA that it must actively police home education (HE).

The LA states that it has a duty to actively monitor HE and all its actions reflect this. This has led to protocols which assume that duty, to forms for parents to sign allowing the LA to perform that duty and to LA officers believing parents must allow them to carry out that duty. The LA has no such duty.

One of the wonderful things about England is the legal assumption of innocence. As citizens we don't have to subject ourselves to scrutiny by authorities unless there is a genuine reason to suspect we have been up to no good. Thankfully, we don't all have our houses searched annually for stolen goods or regular drug testing or to register our hobbies for the coming year. Why then is home education viewed as an exception to this rule? Why is education seen as different to any other parental duty?

Is it because it is the main area which the LA has involvement for most children? The LA has no role with respect to feeding and dressing children but does play a major part in the education of the majority of children. Even so, the duty to provide an education still lies with the parents and not the LA. The important thing to remember is that in providing schools, the LA is providing a service for parents to use if they so wish. Home educators have chosen not to use that service; they have decided to continue with the education that began when their children were born.

It is worrying to hear the fear of parents when discussing their involvement with the LA. It is scandalous that local citizens, who are acting entirely within the law and are fulfilling their duty to provide an education for their children, in many cases far in excess of the education those children are likely to receive in school, should live with such fear of local government staff, staff who are employed to serve the public.

Last year, home education was debated in Parliament as many LAs were demanding more powers. Our country's democratic process rejected their demands as there is no justification for such intrusion into private family life. In our submission for the complaint we mentioned Mike Hart's comments. As a gesture of goodwill we have held off informing the DfE of what was said. However, we are concerned that Directors within the LA are advocating finding alternative ways around decisions made by Parliament.

Not only are LA officers ignoring Parliament, they are also ignoring the Council. In 2008 a Task Group was set up to look into HE. The Task Group report, recommendation 6 states:

*'Regular meetings should take place between LEIS and home educators in order to facilitate a positive relationship and exchange of information within a group forum setting.'*

When the Task Group was set up local HEers believed it would herald a change in their relationship with the LA; that the LA would talk to and listen to them in future. Despite many attempts since, the HE community has continued to be ignored by the LA. They are not consulted by the LA and not informed about relevant events.

Since we submitted our request to proceed to the 2<sup>nd</sup> stage of the Council's Complaints procedure we have met with Bob Stott and 2 of his staff. At the meeting it soon became apparent that the issue with the attitude of LA officers comes from the top. Both at the meeting and in subsequent communications, Bob Stott and his team have refused to answer basic questions such as who is the main contact since the EHE has moved departments. It is surprising that the LA has not seen any need to inform the local HE community of the changes that have taken place.

With regard to the issue of CRB checks, Mr Stott has stated that they are not carried out, the LSCB minutes are incorrect and will be corrected next time HE is discussed. We do not believe this should be left until HE is next discussed. The Directorate should write to the LSCB asap with corrections not just about CRB checks but also for all the other inaccuracies the minutes contain about EHE. Although we accept Mr Stott's word that the LA are not doing CRB checks, we would like assurances that the LA is not carrying out local multi-agency cross-checks unless there are genuine reasons to investigate an individual family. EHE in itself is not a cause for concern so EHE families should be treated with the same respect and privacy accorded to all other families in the county, i.e. left alone unless there is genuine cause for concern and then the standard safeguarding procedures followed.

The lack of quality control of documentation is very concerning and must be addressed. The LA holds sensitive information about our children yet does not seem to have a robust document management system.

- Their procedural documents do not have version numbers or accurate dates of issue making it impossible to know which is current.
- We have received different printed versions of supposedly the same letters, some with minor changes, others with more major differences.
- Parents say that the reports issued by EHE officers are regularly incorrect and often mix up children from within the same family.
- When one EHE officer left last year many parents were contacted by the LA as there was nothing on file for the previous 12 months despite those families being visited and reports written. Where were their confidential files kept and what has been done to trace them ?

Is it too much to ask that the LA improves its documentation procedures to at least the level employed by many businesses, e.g. ISO 9001?

## Appendices

A. [Lancashire LA's EHE Protocols and Procedures document:](#)

This is a critique of the version placed on the website by the LA in December 2010. It is the third version we have seen in 6 months, still with no way to identify it as the current working document.

Local home educators have not been consulted about any of the changes to this document despite the Children's Act 2004, Section 10, placing a duty on LAs to cooperate with stakeholders. In the past 2 years there has only been one meeting open to all home educators in the county. That meeting was part of the Task Group set up by the council and did not cover the Protocols document in any detail.

B. [National EHE Guidelines, 2007](#)

These guidelines were issued by the DCSF to advise LAs on their dealings with home educating families. The statutory CME Guidance, 2009, states that for home educating families the EHE Guidelines should be followed. LA's must have clear reasons for deviating from such guidance.

Lancashire LA's officers are obviously aware of these guidelines as they have both quoted and misquoted them within the Protocols document.

C. [A Barrister's View](#)

Ian Dowty is a Barrister who has specialised in Home Education. He put this document together from notes he made for a local authority elsewhere in the country to help them understand the implications of acting beyond their statutory duties.

D. [Parental Agreement form](#)

Recommendation 9 of the Task Group Report stated:

*'The EHE1A form should be reconsidered, in consultation with home educators in Lancashire.'*

This form has been changed since the report was published but without input from the local HE community. The previous form was not good but, quite frankly, this latest version is appalling and clearly was not written by anyone with a basic understanding of HE, the law or national guidelines.

The parents we have spoken have all said they were told they had to fully complete and sign it if they wished to home educate in Lancashire. No-one should ever feel compelled to sign a document agreeing to ultra vires actions by their public servants.

E. [LA letters to parents](#)

For this Complaint, we wished to present a few copies of letters, received by parents, which demonstrate where this Local Authority is acting outside the law with regard to EHE in its correspondence.

An issue that is both shocking and concerning is the number of people who were reluctant to let us use their papers for fear of repercussions, in the form of induced difficulties from County staff, should their identities be discovered.

F. [Poor LA Document Control](#)

The complaint procedure itself has provided a perfect example of the LA's poor documentation procedures. Our group received two different versions of the 'same' letter. We have attached an appendix showing the differences.

The original version of this letter, which includes 'safeguarding remains our primary role', clearly demonstrates that the LA sees the role of its EHE officers as policing, not as help and support. Yet the LSCB Procedures state:

*'The education services do not have a direct investigative responsibility in child protection work, but do have a duty to help Children's Social Care by providing information where there are concerns or enquiries about a child's welfare.'*

If the primary role of EHE officers is safeguarding, shouldn't they be trained social workers and not teachers and shouldn't parents be made aware of what the inspection is really for?

G. [Lancashire HE Forum Group survey of Home Educators in Lancashire](#)

In order to support this complaint, our group produced a survey which has been completed by HE families around Lancashire. We have attached a summary of the results.