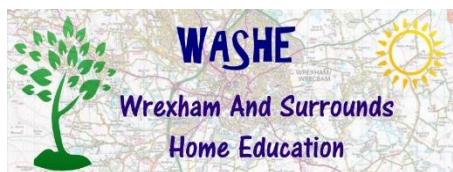


Submission to WG Petitions Committee with respect to P-05-922 and P-05-923
from Wrexham And Surrounds Home Education group on 01/03/2020



Wrexham And Surrounds Home Education

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Dear Committee Members,

Thank you for the opportunity for Wrexham And Surrounds Home Education group to submit views in reference to petitions **P-05-922 Withdraw the proposed home education guidance** and **P-05-923 Are you listening to us? Home Education Rights and Respect!** Our group has 349 members.

We agree wholeheartedly with the text of both petitions, and the subsequent correspondence to the committee by the petitioners. This submission aims to highlight a few points within the terms of the invitation.

Parents are the true primary stakeholders in this matter. Despite that in the “Table Talk Discussions” that were part of the consultation, participants were referred to as stakeholders *and* parents. This appears to reveal WG bias. The discussions were structured in a manner that failed to ask the pertinent questions, or give time for meaningful discussion, before hurried written responses were made. As primary stakeholders, parents were not consulted on the guidance at the formative stage. This appears to be in breach of Welsh Government’s Consultation Principles 2018 ¹.

The specialist advice from David Wolfe QC , submitted to the consultation by Protecting Home Education Wales ² , states **“that final guidance will mis-state or misunderstand the law and so be unlawful (and/or leads to illegality by local authorities acting in the light of it)”**. This advice should be thoroughly examined and not allowed to be disregarded.

The Children’s Commissioner has stated her three-test demand to the Education Minister:

“all children in Wales can be accounted for and that none are invisible. Second that every child receives a suitable education and that their other human rights, including health, care and safety. And crucially that every child is seen, and their views and experiences are listened to.”

Is the three tests demand, the reason the Education Minister does not appear to be listening to the primary stakeholders (parents), and the QC’s legal advice? This needs to be investigated. Has there been unfair pressure? Is unfair weight being given to the opinions of some stakeholders over others?

The three tests themselves presume that the state can know, and can routinely decide, what is best for children above their parents. This state overreach is against the protected right of parental authority in the UK.

The tests are also based on a fallacy that home educated children are invisible. Our children are in fact uniquely visible in our communities, because they are out in them, when most children are in school. Home Education is not confined to the actual home.

Research shows that electively home educated children are statistically at less risk of abuse than their schooled peers, despite there being proportionally more referrals ³. The

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increased rate of referrals in itself exposes the fallacy of invisibility. In every serious case review that involved a home educated child, the child was already known to social services. These children were failed because existing social service powers were not used, and in some cases, medical management was questionable. Yet those cases keep being brought up with respect to home education and the law.

Where are the safeguards to hold the conduct of LA officers to account, in their dealings with home educated children and their parents? There is no duty in law to monitor home education, so the guidance to the law should not presume that duty.

LA home education officers are not subject to a standardised job requirement of qualification and experience level in home education practise or normal child development (in a nurturing non-institutional environment). Yet, the guidance seeks for those officers to interview each home educated child. Even if this were not discriminatory in comparison with schooled children, and even if an expectation of interviews would not misstate the law, there is no protection in this guidance for children and their parents, against the subjective opinion of a potentially ill qualified officer.

We ask the Petitions Committee to investigate if the consultation, and the prospective new guidance were produced in a legally fair manner, that did not already have a predetermined outcome. We ask that if you find that the guidance was not produced in a legally fair manner, it be withdrawn, and the recent, previous, non-statutory guidance be utilised.

Yours faithfully

Christine Thompson

On behalf of Wrexham And Surrounds Home Education group

¹-https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

² <https://drive.google.com/file/d/1IAyXNE44VZOoSqx04wEVK7Z7XBbN9hKU/view>
This is publicly available via this link:
<https://protectinghomeeducationwales.wordpress.com/updates/>

³ <https://www.personalisededucationnow.org.uk/2019/04/01/2019-research-home-education-and-child-abuse-how-media-rhetoric-drives-the-myth/>