

Correspondence to Pembrokeshire CC Scrutiny Committee from Home Ed Cymru
September 2024.

**Re: Report on Elective Home Education (EHE) scheduled for discussion by the
Schools and Learning Overview and Scrutiny Committee on 26th September 2024.**

<https://mgenglish.pembrokeshire.gov.uk/documents/g6086/Public%20reports%20pack%2026th-Sep-2024%2010.30%20Schools%20and%20Learning%20Overview%20and%20Scrutiny%20Committee.pdf?T=10&LLL=0> pages 57-68.

Dear Chair and Members of the Schools and Learning Overview and Scrutiny
Committee,

We, as Home Ed Cymru, a support group for home educators in Wales, write to bring
your attention to some concerning misinformation in the report mentioned above.

To provide context for the issues and errors in the report in question, we regrettably
have to bring to the committee's attention difficulties we have recently experienced in
attempting to address issues with the job advertisement for the additional post
discussed in the report.

That job advertisement was for an additional member of staff in relation to EHE, a post
given the rather inappropriate term of "*specialist advisory teacher*".

We, as Home Ed Cymru, repeatedly (on 4th April, 16th April, 8th May, 30th May 2024) tried
to raise concerns with a cohort of managers within PCC regarding misinformation and
misleading statements in that job description. This was partly with the aim of not
wanting any efforts of the present member of staff to be damaged, as well as to try to
prevent overstepping of lawful remits.

Sadly, we did not receive any response (other than an acknowledgement of receipt of
email from one source after repeated request). This is hardly in the nature of promoting
"*positive collaborative relationships with the community*", an aim stated at the end of
the report on EHE to be discussed by the committee this week.

The unaddressed issues with that job advertisement mirror something of the issues
with the report in question in that they relate to an **incorrect depiction of the lawful
duty or appropriate practice of such an employee, with expectations of conduct
portrayed in a way that would promote overstepping of lawful remit.**

Thus we ask for your consideration of our concerns regarding that job advertisement in
conjunction with our concerns with the report in question.

However, the report contains significantly more matters of concern, which we
appreciate may in part relate to the confusing drafting of the 2023 Welsh Government
Guidance on EHE, and can thus be readily addressed.

We thus ask for the help of the Scrutiny Committee to ensure there is appropriate rectification of the various errors and issues.

To avoid unhelpful repetition of the lawful facts in relation to home education, we at Home Ed Cymru will forward to the committee a **copy of a mid-point of year feedback letter** that we sent to all LAs in Wales in July of this year. We trust that feedback letter will give some helpful context and feedback on appropriate implementation of the guidance, and would ask that that feedback letter would also be included for consideration by members of the Scrutiny Committee, alongside this present email and the previous email (below) in relation to the job advertisement.

We are aware that the Pembrokeshire Home Ed Group have written to you with a comprehensive analysis of the issues and concerns, requesting the committee review the report with the information they have provided. We fully endorse and validate their communication with you, and share the concerns on the misunderstanding of roles, duty and appropriate conduct of council employees with respect to home educating families.

To briefly summarise the key concerns with the report in question:

The mistakes within the report appear to be at least partly fuelled by the mistaken concept of “***new legislation***”.

There is no “new legislation, only guidance, most of which is non-statutory, despite the misleading initial title of statutory.

The non-statutory nature of most of the guidance has been confirmed in writing by the Welsh government, a copy of this can be provided if required. However, informed reading of the guidance will confirm that the only statutory elements of the guidance (the “musts”) are not new and do not correlate with the conduct the report would seem to seek to promote. The non-statutory elements of the guidance are based on personal opinions and party-political based policies. **Such non-statutory elements cannot be mandated or enforced and must only be suggested or offered on a clearly voluntary basis involving fully informed consent.**

The report in question also demonstrates considerable misunderstanding of the **purpose for any engagement** with home educating families. The council has a duty to identify those missing education, not to examine, inspect or monitor the provision of those who are home educating. There essentially should be no particular “relationship” to develop, as education is a parental responsibility and home educating families have taken the lawful option of continuing with the duty of providing or facilitating this themselves rather than delegating this to the LA or schools. **There is no lawful duty to monitor home education, as the Welsh Government’s own CME guidance confirms.** If a council employee chooses to make informal enquiries as to whether a child is home educated or not, it is for parents to choose how to respond, and there must be no pre-emptive assumption that parents are being deceitful or neglectful of their duties, unless there is evidence or reason to believe so in an individual case. When a council knows a child is electively home educated by their parents or by those with parental responsibility, then they have discharged their duty under S436A of the Education Act 1996.

Furthermore, the increase in home education appears to be depicted in the report in question as a cause for concern or alarm, including by continued and false conflation of EHE with “*safeguarding issues*”. Home education is not a safeguarding risk, it is parents raising their own children.

It is saddening to note the attitude towards EHE that would seem to be conveyed in the tone of the report. Good practice encourages the fundamental involvement of those in communities with lived experience of matters in measures and practice that affects them, but this does not seem to be reflected in the tone as well as the content of this report.

Dismissal of concerns and propagation of misleading or inaccurate information alongside dissemination of an attitude that would risk promoting suspicion and mistrust of members of a minority group in the community, would be extremely disappointing and inappropriate conduct for public servants.

Alongside this, it would clearly be unsuitable management of taxpayers’ money if this were used to overstep lawful remits and erode family’s rights and duties, especially at a time of severe financial limitations and cutbacks within local government.

We thus request that the department involved would ensure that ethos, conduct and all forms of communications are lawful, honouring and respectful to families raising and educating their children in Pembrokeshire, and we look to the Scrutiny Committee for help with this.

Please let us know if we can be of further help in any way.

Kind regards,

Home Ed Cymru