

Torfaen Scrutiny Committee again, May 2025

Dear members of Torfaen Education Overview and Scrutiny Committee and members of staff of Torfaen Council,

We, at Home Ed Cymru, a national support network for home educators, were interested to note reference to elective home education (EHE) in your recent Education Overview and Scrutiny Committee meeting of 7th May 2025.

<https://torfaen.public->

[i.tv/core/portal/webcast_interactive/982095/start_time/6714000?force_language_code=en_GB&fbclid=IwY2xjawKtm51leHRuA2FlbQlxMQBicmlkETBDMWZsSHlaTkkyYldMSm5QAR4e-s_TJ3V-Okbk3J0i4pp89F-8B3PP8Dh8GdAn0zuq9YxUw9HdAkhUINWFUA_aem_4rE77pkr08Kt26Ghvig-7w](https://torfaen.public-i.tv/core/portal/webcast_interactive/982095/start_time/6714000?force_language_code=en_GB&fbclid=IwY2xjawKtm51leHRuA2FlbQlxMQBicmlkETBDMWZsSHlaTkkyYldMSm5QAR4e-s_TJ3V-Okbk3J0i4pp89F-8B3PP8Dh8GdAn0zuq9YxUw9HdAkhUINWFUA_aem_4rE77pkr08Kt26Ghvig-7w)

You may recall how Home Ed Cymru engaged with the Committee last year, prior to discussions on EHE, by conveying a number of key features that are helpful to appreciate if considering matters relating to home education. That email is copied below, and we would greatly encourage Committee Members and staff to again consider the points highlighted in it.

It was encouraging to note in the most recent meeting of the Committee a comment that the choice of elective home education is fully supported by the education department within the council.

However, it was rather saddening to hear home education in Torfaen being referred to as if it is an area of concern, to hear it being considered “*very worrying*”, or to hear conflation of EHE and “*safeguarding*”.

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We fully appreciate that members of the committee may well not have personal experience of home education. Moreover, given the extensive range of areas that the committee covers, members of the committee may not have had opportunity to engage with home educators to appreciate the lived experience and develop a deeper understanding and appreciation of home education. However, it is of course vital that any actions of the council, be they in committee or otherwise, are free from any bias, discrimination or false connotations and reflect the lived experience of the community they represent.

We are also very appreciative of how members may well have been influenced by negative rhetoric against home education within some areas of the media. In particular,

it was both heart-breaking and extremely concerning to see how the tragic case of poor Sara Shariff was recently weaponised within many areas of the media to push a smear campaign against home educating families. To help clarify any false connotations that have been propagated within the media, that poor child was already well known to many statutory services having been on a child protection register at birth, with those services failing to use existing powers to protect her on many occasions. A decision to deregister her, or any such child, under existing powers actually affords services an increased opportunity to engage, to reflect on the case and consider any changing risks - if present procedures and powers is followed correctly. In terms of how services failed to follow correct process and use existing powers in that poor child's case, you may find this article of use: <https://observer.co.uk/news/national/article/sara-shariff-what-the-judges-knew>

Home education is not a safeguarding issue – parents raising their own children is not a safeguarding issue. Home educated children are known to be at reduced risk of harm within the home than their school-based peers despite being subjected to increased levels of scrutiny, often without foundation.
<https://www.educationotherwise.org/home-education-and-the-safeguarding-myth-analysing-the-facts-behind-the-rhetoric/>

Furthermore, home educated children are not at risk of the many forms of harm that can occur within school-based environments, from peers or others, given the unacceptably high rates within schools of sexual abuse and harassment, bullying, and psychological stresses, as reflected in the unacceptably low PISA ratings in Wales for children registered in schools.
<https://www.bbc.co.uk/news/uk-wales-politics-57428624>
<https://www.bbc.co.uk/news/uk-wales-60697743>
<https://www.bbc.co.uk/news/uk-wales-67616536>
<https://wiserd.ac.uk/blog/well-being-of-school-children-in-wales-european-comparisons/>

Home Ed Cymru are at present reviewing **local council policies on EHE** and have recently prepared **feedback for Torfaen council** on the version of local policy that has just become available on the council website. We have attached a copy of feedback on this policy for the specific attention of staff members and members of the Scrutiny Committee and would welcome any questions or discussion on this, as well as revision of relevant points in the policy as presently drafted.

Regarding the report provided for the Scrutiny Committee meeting of 7th of May, unfortunately this appears to contain a number of errors, ones that reflect issues that were demonstrated in the written policy.

For example, in point 4.18 of that report, the comment that “*the LA has a responsibility to oversee the number of pupils which are EHE*” is somewhat misleading. As addressed in this feedback on the 2023-2025 draft of local policy, whilst there is an

expectation to be able to provide numbers on those who are known to be home educated, there is no duty to “oversee” or “monitor” elective home education itself. Ensuring provision of a suitable education and ensuring the wellbeing of each child is the responsibility of parents not the council, otherwise the council would be rapidly bankrupted.

Moreover, the use of the term “*pupil*” is not correct here. Home educated children are not “*pupils*”. They are children. “*Pupil*” is a term that is correctly applied to children on a school roll. This is not simply semantics, as terminology inevitably influences mindsets and conceptualisation. The use of the term “*pupil*” to apply to children who are home educated risks perpetuating any school-centric concepts of education which are often not relevant to home educated children and young people. Indeed, one of the main benefits of home education is the capacity and freedom to adopt and draw from a wide range of educational pedagogy, many of which do not particularly resemble approaches used in state school education.

Table 6 of that report also contains misleading terminology in the column heading “*new requests- number of children coming off roll to home educate*”.

Deregistration is an instruction, not a request, because the responsibility for education and the child’s wellbeing lies with parents. It is an instruction with immediate effect, and it is an offence under Pupil Registration Regulations to interfere with such a legal instruction. No permission is required (unless a child is in a special school when permission should not be reasonably withheld) and there is no “process” that takes a period of time to complete before a child is deregistered.

This report is concerning in the conflation of children who are EHE with other groups of children, alongside the risk of conveying an appearance of home education being some form of problem that needs to be solved.

Point 6.1 of this report requires swift revision, where it states, “*Risks – if pupils are not in school, they are missing education*”.

This is a misleading and inflammatory statement, especially as the term “*pupil*” has been mistakenly used to refer to home educated children several paragraphs previously.

It is also a statement that risks conveying an attitude of institutionalised discrimination against home educating families. We would hope that the council and its employees would be keen to avoid giving any such appearance, and to correct any discriminatory attitudes should they be found to arise. However, in light of the statement within Torfaen’s Education Department’s policy on EHE that “*it is the view of Torfaen County Borough Council that children’s educational needs are best met in school*”, it would appear that sadly this comment could be something of a Freudian slip in relation to unhealthy and misrepresentative opinions of elective home education.

We sincerely hope this is not the case and that the council would be keen to hastily correct any such comments and attitudes in reports, in policy and in practice.

Regarding conversation during the meeting of the Education Overview and Scrutiny Committee of 7th May in relation to references to EHE:

The semantic field in relation to home education during the meeting, with the use of wording such as “demand” “challenge” “specific workload” “pressure” unfortunately risks conveying a perception of home education as a problem that needs to be solved or eliminated rather than a wonderful solution and beneficial mode of life and education for children.

A key concept to appreciate is that education is the responsibility for the parent, not the council, even if a child has been placed by that parent into a state school. This is why parents cannot sue a council if they fail to ensure a suitable education has been provided by that council or if the council has not ensured that the child’s wellbeing has not been fully ensured or safeguarded, as the responsibility for ensuring the suitability of education and the wellbeing of the child still legally lies with the parent, not the council.

We note there was reference to a concept of “*annual reviews*” within the meeting. This mistaken concept of some form of “annual review” as if it is a requirement is addressed more fully in the feedback document on Torfaen policy on EHE (attached).

Likewise, we note the reference to the council being “*overstretched*” in relation to families in Torfaen choosing to home educate.

In times when council budgets are already overstretched, with many vital services competing for limited financial resources, it is helpful to appreciate that there is no need for council services to be “*overstretched*” in relation to EHE when the lawful duty and remit of the council is appreciated and adhered to.

There is no duty to oversee home education, and certainly no lawful basis for “monitoring” it. Once it is known that a child is electively home educated and is not CME, then the duty of the LA is concluded, in the absence of reason to believe there are any other concerns. To pursue unnecessary repeated enquiries of loving families is not only counterproductive, it is also a waste of precious taxpayer funded resources. These are resources that could be far better spent elsewhere.

If a council were to not only unnecessarily repeat enquiries about healthy families, but do so using the kinds of processes encouraged within the appendices, where following these as drafted risks conduct of questionable lawfulness and risks eliciting private and personal information on children via means that could give the appearance of being coercive, this would be a particularly inappropriate use of taxpayers money, apart from the impact on families.

Resources spent in an inappropriate attempt to “oversee” home education could be far better spent either within the home educating community by listening to the community and hearing how any funding would be of most benefit, for example on the provision of affordable and accessible examination centres that provide the required range of

examination boards, or on the provision on request of ready access to diagnostic or therapeutic services for any additional needs the parents feel require addressing. Indeed, focusing scarce resources on meeting the myriad at present unmet but known needs of children, whether educated at school or otherwise, should be the priority rather than box-ticking and counterproductively alienating administrative exercises to attempt to “monitor” or “oversee” normal healthy family life.

A belief of a need to do “**welfare checks**” on home educated children was mentioned in the meeting. There is no need or requirement to do “*welfare checks*” on home educating families in the absence of concerns, and it is not only a waste of precious resources of time and money to do so, but also unacceptably intrusive and disrespectful to families. If there are concerns about wellbeing, there are sufficient powers to bring in relevant agencies with the appropriate training and skill base

Reference was also made in the meeting to the concept of “**assessment on at least an annual basis**”, which, as explored and addressed in the feedback on local policy(attached), is not the actual lawful duty of the council.

Reference was made to “*requests*” to home educate. As mentioned above in relation to the report provided to the committee, this is not the correct term or concept.

There was brief reference in the meeting of 7th of May to families deregistering to avoid legal action by the council for “*poor*” attendance in schools. Whilst school attendance is not an area that Home Ed Cymru directly addresses in our support network, “*poor*” attendance can often be a sign that the provision for the child within schools is simply not suitable or beneficial for them. For children, “*poor*” attendance may often be the only way they can communicate needs and problems that they cannot necessarily verbalise or understand. To fine or take further legal action against families for failure of suitable educational provision by the council would be highly disingenuous and also counterproductive. Off-rolling by schools – the practice of “pushing” families into deregistering their child, is not lawful, yet issuing fines and threatening legal consequences to families where their child is struggling with their provision and environment is a practice that can have that very effect.

Families may choose to home educate their children for a myriad of reasons, and it is important to appreciate that these reasons often change considerably over time. It is not unusual for families to initially choose to home educate for what some may consider “negative” reasons, including failures in the provision within schools, only to then continue with the path of home education for “positive” reasons on seeing the beneficial effects on their children.

https://learnwhatyoulive.substack.com/p/why-do-families-choose-home-education-267?fbclid=IwY2xjawKtnt5leHRuA2FlbQlxMQBicmlkETBDMWZsSHlaTkkyYldMSm5QAR6-bFahnqTs8C52fOxkBjKrO8SWk1rdyYv0qp4YV54WwNozC_XzixlNwfGbw_aem_BxLloA7fgylp-MGd9if2rQ

We trust that, moving forward, home educators in Torfaen will be permitted to be actively involved in consideration of any policies, reports, meetings or discussions relating to their families and to home education in general. We are sure that this would be a very positive step forwards and one that would be very beneficial for all. We also trust that local policy will be swiftly revised in light of the points raised in the feedback document (attached). In the meantime, please do not hesitate to contact us if you have any questions, if you require further information, or if you would like to meet with home educators from the community.

Kind regards,

Home Ed Cymru.