

Right to Reply

A Response to Graham Badman's Report to the Secretary of State on
the Review of Elective Home Education in England

and reaction to the CSF Select Committee hearing
on Monday 12 October 2009

13 October 2009

"Research shows that parental interest in their child's education is the single most powerful predictor of achievement at age 16."

Tony Richardson, Executive Director Strategy & Policy, Becta¹

¹ Quoted on the BECTA website. Mr Richardson is referring to the following research: Feinstein, L. and Symons, J. (March 1997), ***Attainment In Secondary School***, Discussion Paper No. 341 Centre For Economic Performance,

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1. Introduction

- 1.1 We have reached a pivotal moment in English history. Never before has a Government fought so hard to intrude into family life and never before have so many parents and children risen up to defend themselves.
- 1.2 This report is ostensibly about planned changes to the law that will strip home educators of their rights but it is about far more than that. The Government would like local authorities to be given the legal right to enter the homes of innocent families, and the right to interview their children alone. If these rights are enshrined in law it won't just affect home educators, it will affect all families. Once the door to one group of family homes is prised open, it will only be a matter of time before the door of every home in England is wide open to a stream of local authority officers telling us they know what is best for our children and our families.
- 1.3 The Review of Elective Home Education in England has triggered widespread opposition among those who know most about home education – the practitioners. The picture painted of home education by Graham Badman is unrecognisable to the thousands of families² in this country who exercise their legal right to educate their children without sending them to school. His view is unrecognisable to the thousands of grandparents, aunts, uncles, cousins and friends who share the lives of home educated children. It is unrecognisable to the children themselves.
- 1.4 The review has brought welcome support for home educators from many MPs, including the 43 who have signed Mark Field's Early Day Motion³ 1785: "That this House acknowledges and celebrates the hard work of the many home educators in Britain who teach their children to an exceptionally high standard; recognises the excellent value they represent to the Government; notes with concern the conflation of welfare concerns with education issues in Government statements on home education; further notes with concern the recommendations of the Badman Review which suggest closer monitoring of home educators, including a compulsory annual registration scheme and right of access to people's homes for local authority officials; and calls on the Government to focus on its own ability to fulfil the Every Child Matters objectives rather than undermine the independence and integrity of home educators by enforcing the Badman recommendations."

² Estimates range from 40 000 to 120 000 families

³ The number who had signed up on 3 August 2009

- 1.5 In addition to MPs, other notable people have been willing to join the public debate about home education. Among those who contributed to this report are:
- Home education researcher Dr Paula Rothermel of the University of Durham
 - Dr Robert Leese, a Fellow of St Catherine's College, Oxford, where he teaches mathematics (including statistics)
 - Child protection expert Ben Grey
 - Retired Ofsted Inspector Derry Hannam
 - Author and Director of the Diploma in Creative Writing at the University of Oxford Dr John Ballam⁴
- 1.6 It is clear that the Government is uneasy about home education - over the last 4 years it has addressed the matter in numerous ways:
We have seen:
- Consultation: Home Education Guidelines for LEAs (2005) – this consultation specifically excluded home educating families
 - DfES: Home Education Guidelines for Local Authorities in July 2007
 - DCSF Statutory Guidance on Children at Risk of Not Receiving Suitable Education October in 2008
 - Review of Elective Home Education in England in 2009
- In addition, other consultations such as 'Children Missing Education' (2007), and 'In Work, Better Off '(2007) have also had impact on home educating families.
- 1.7 The Government is also planning two further home education consultations in 2010 on the definitions of "full-time education" and of "suitable and efficient education".
- 1.8 However, It is the legislation planned for this autumn that constitutes the most immediate threat to home educators and it is this legislation that is the subject of today's mass lobby. The Government intends to use the Improving Schools and Safeguarding Bill to:
- force home educating families to register every year with their local authority
 - give local authorities carte blanche to refuse registration
 - give local authority officers the right of access to their homes and the right to speak to their children alone

⁴ Dr John Ballam's books are published under the name of J.D. Ballam

1.9 Home educators are renowned for their strong opinions and independent spirit. They come from all faiths and none. They have as many approaches to education as there are children. They rarely agree on anything. And yet they are remarkably united in their opposition to these proposals. There is great concern that their way of life will be legislated out of existence.

2. Purpose of this report

The purpose of this report is:

- To present the evidence in support of elective home education that was dismissed by Graham Badman.
- To demonstrate that effective legislation and procedures already exist to protect home educated children, and also that some local child protection groups address this robustly.
- To present the cost implications of the report.
- To show how the recommendations in the report would undermine the human rights and civil liberties, not only of home educators, but of all parents.
- To illustrate the way in which the recommendations of the report are likely to have a negative impact on the learning and well being of home educated children
- To give the young people whose lives will be the most affected, and whose views have been ignored by the Review, the opportunity to be heard.
- To correct the false impression given of home educators by the Badman report's statistics and research
- To call for MPs to reject the recommendations made in the report on the grounds that some are disproportionate to the scale of any problem identified, and that others are based on an inadequate understanding of the joys and challenges facing home educators.

3. The Case for Home Education – put by the parents

- 3.1 There are many reasons why parents choose to home educate their children and many ways of doing it. Some children never start school at all for philosophical or religious reasons, others start and are withdrawn due to bullying or the school's inability to cope with Special Educational Needs, including dyslexia, Asperger's Syndrome, autism, ADHA⁵, and physical disabilities.
- 3.2 There are parents who mix home education with school in different ways: flexi-schooling where the child goes to school part-time; children who are educated at home for the primary years and then sent to secondary school or vice versa; and families with some children at school and others at home.
- 3.3 Every family is different. In this chapter, we will hear from a wide range of home educating parents. First, three generations of the same family speak about their experience:⁶

The grandmother:

A year ago, when my daughter first told me that she intended to home educate my grandchildren, I had concerns about some aspects of this plan, largely because home educating was something that was completely unfamiliar to me. Since then, my reservations have vanished. My grandchildren love their lessons. They are happy, confident, inquisitive and motivated. Their language skills are far in advance of what one might normally expect for their ages.

They follow all the basics of the National Curriculum with a whole mass of extra subjects being investigated in a way which would never be possible without one-to-one teaching. All the home educating parents I have met during the year have impressed me with their very evident commitment and enthusiasm for the job and the many imaginative ways in which they approach it. I do hope that these parents, and the many others who choose to educate their children in their own way, will always be allowed to do so without unacceptable levels of control and interference being imposed by the state.

⁵ Attention-Deficit Hyperactivity Disorder

⁶ In all other cases full names of adults are used in this report. However, to protect the identity of these children, the mother and grandmother requested anonymity. Names will be provided if requested by an MP.

The mother:

My daughter was simply too young to start full time education. She found it emotionally and physically exhausting. She began suffering migraines. My sister-in-law, her three siblings and another very dear friend of mine were all home educated and each of them is a very happy, well-balanced, contented, hard-working individual with fabulous social skills. They encouraged me to try home educating and - looking at how well they have turned out - we decided to give it a go.

We are what is known as a *structured* home educating family. Each day both children spend half an hour on the PC improving their ITC skills, and half an hour watching schools programs. We then do an hour each of maths and English. Later we spend time doing a science, history, ITC, art or geography project. The children are thriving. They have excellent vocabularies and are enjoying their education. The question that everyone asks me is about socialisation. It is a complete fallacy that home educated children are kept away from the rest of the world or are 'unsocialised.' My children attend three classes a week (two of them at the local Montessori school). They also have friends over for play-dates and the like. Home education has been the best thing I have ever done for them.

The children: Hannah, aged 6

I think being home educated is good because you can see your Mummy and I think you learn more at home than at school because when I went to my school I didn't feel like I was learning.

Sam, aged 5

I like home educating because it's fun and I learn lots. It's great. The best thing about being home educated is doing the work.

- 3.4 Some families choose an autonomous (child-led) approach to home education. It lies outside the prevailing educational paradigm and is widely misunderstood. It will be discussed in more detail in Chapter 7: A Suitable Education.

Stewart and Alison Tindale, East Yorkshire

We have two sons aged 15 and 9 who have never attended school. When our children follow their own interests they do it for themselves. They are not trying to prove themselves in the eyes of another. They don't necessarily attempt to convey their learning to others by 'doing a project' or labelling a diagram and they are not trying to attain a pre-determined goal of understanding or skill from a scheme of work.

For example, my son has *come* to understand why the Roman Empire was able to conquer certain Celtic tribes through his interest in ancient weapons and fighting techniques. But he didn't set out to understand this, he was not immediately interested in other comparisons between Roman and Celtic cultures and he did not attempt to write an essay about it. We know about his understanding because we chat about it but we wouldn't want to tape our conversations as proof of his learning. We want him to learn for himself, not for others, both because we know he is happier this way and because we see intrinsically motivated learning as being of greater value than extrinsically motivated learning. We do not want him to feel obliged to demonstrate his learning to prove that his education is adequate.

- 3.5 Families from many religions choose home education. Their faiths are all very different and yet they are willing to work together to defend their right to home educate, unimpeded by the Government or Local Authority officials. Here – in alphabetical order of surname – are comments from three parents of faith who home educate.

Tania Berlow, a Jewish mother, Somerset

My 10 year old daughter Eialh attended a Church of England school for two years. In rural areas there is often no choice, one goes to one's nearest school. Travelling to family events and festivals is really important to my daughter and I. Jewish holidays invariably fall during school time. Although I had no trouble getting time off school for religious reasons, I did feel that the emphasis on Christianity (particularly Easter and Christmas) was overwhelming my daughter's own sense of her religion. There were quite a lot of Christian-related activities but because my daughter was not able to be part of an active Jewish community in addition to these activities, I felt that these activities were becoming her own 'memory of childhood'. Now that she is home educated there is much more time to look at 'Jewish' issues and history and culture, language and even food whereas fitting it all into the weekend as well as school (two hours travel a day) was quite stressful.

As a small rural school, there was only one other child who was a different religion and no children who were of a different colour other than white. My daughter asked to be withdrawn from Religious Education and assembly as she felt uncomfortable being the one who was 'different'.

Now that she is not in school we can travel to the nearest big town and take part in Jewish activities and Sunday School. She also is doing an on-line Hebrew course. Our local home education group has a few black and mixed race children - but alas no Muslim children. However, I do feel she has a better 'mix' now that she is being home educated. The parents of the other children mention similar reasons behind home education although they would agree with me that religion and colour were not the only reasons for considering home education.

S Gething, a Christian from Hampshire

Over the years we have adjusted our timetable many times. We are always striving to find the most productive way of learning. We use a traditional approach in our teaching.

Our day begins at 8am with a time of prayer and Bible reading, as well as memory recall. This is the most important part, as we remember our Creator and the blessings we have.

The children are learning a new verse each week, even our three year old is learning to join in. French follows on for half an hour (each lesson segment is half an hour as I have found that our children concentrate best for shorter periods of time, except for Mathematics which is allotted one hour). Music practice is the second period, piano or recorder – though we do hope to begin violin when cost allows. I find that alternating mentally challenging lessons with practical ones brings balance and enjoyment to the day. Mathematics comes next with a daily speed drill, and thorough grounding in fundamental principles. The children are working at a level 1-2 years above their age using an American curriculum which they are mainly able to follow on their own. This gives me time to see to our youngest.

If they complete the lesson within the hour then they can have time for reading, art or exercise. After Maths we have physical exercise, generally Irish dancing practice except for Tuesdays when we have P.E. English language finishes off the morning's work apart for the last ten minutes which are given over to Chinese (our daughter is attempting self-teaching using a book and a couple of websites) and Latin for our eight year old son. Now we are ready for a well deserved two hour lunch break. The afternoon begins with Science. Then we do English extension work. That involves creative writing, spelling, poetry learning, word games and an occasional hand-writing check. We continue with History and Geography where we are currently looking at Africa. A period for Art or Music Theory/Singing follows, and we end the day with reading. The children have some choice in what they read, but we make sure that they cover a wide selection of both modern and classical authors, and topics.

Having been a home-educated child myself, I make sure that ours do not lose out on friends. Neither do they miss out on educational trips either in term time or during holidays.

I hope that this description will help dispel some of the myths that surround home-educated children, and demonstrate the flexibility and effectiveness of a parent-led education which focuses on academic excellence, social development and sound Christian principles.

Imran Shah, a Muslim, from East Sussex

Why do I home educate? If you had asked me 4 years ago, I would have referred you to the much better results that home educated children produce. In the US, where they are required to take SATS, HE children out perform schooled children by margins of 20 to 30% in all subjects. Now, with 2 young children, neither of whom has been to school or pre-school, I would say the biggest advantage is seeing how happy my children are. They are ridiculously happy, and spend their days in playful joy, surrounded by people who they love and who love them.

Friends often tell me what their children are enduring at school. Often their children don't want to go. Our children don't wake to dread, knowing that they have to go where they don't want to go, to be with people they don't want to be with, and do stuff that they don't want to do. Not only are our children happy, my wife and I are happy. Our children grow up in joy and freedom. Happy children love to learn, and learn well.

Another reason why we home educate is to do with socialisation. Immersing a child in a group environment, does not bring about healthy socialisation. If it did then social interactions in the playground would be characterised by generosity, humility and service, instead of the pettiness, bullying, and the peer group pressure that is typical of school social interaction. My children play with the children of our friends. There is no bullying in our community. School with its enforced age segregation, fails to prepare its young charges for adult interaction. Instead children have to endure the kind of hostile behaviour that we would not expect any adult to put up with. Our children do not live in a world divided into "us" (the children) and "them" (the teachers). What our children witness is healthy social interaction within the kind of multi-generational community that is typical of post-school life. What they don't witness is people being teased because they are different, or because of the colour of their skin, or their religion, or because they have a disability. In our social sphere, all people are valued.

The Holy Quran enjoins Muslims not to provide any academic instruction until the child is 7. Advances in neurology have confirmed the wisdom of this edict. Children's brains have not developed sufficiently for them to be able to deal with academic work, without future development being stunted in some way. While we do not follow an explicitly religious style of home education, there are key themes that are central to Islam and perhaps to other faiths too. Most importantly we are providing a safe, loving and nurturing environment in which our children can grow and thrive.

5 . The Case for Home Education – put by the young people

Kerrin, aged 17, from Hampshire, is the second of five children who have been autonomously home educated all their lives. She was keen to put the case for home education from the point of view of the young people it most affects. This is her chapter.

I asked various people who had experienced home education to tell me about it. Some people spoke to me face to face, and others sent contributions by email. While a number of these home educators are now adults, others are still in their teens. Some children also responded.

All were electively home educated for some, or all, of the compulsory component.

Of the adults, Daniel Bright, age 21, is now studying with the Open University; Jo Risbridger, aged 20 is at university as well; Toby Williams, aged 18, is taking a gap year after which he intends to study engineering; and Andy Moore, aged 23, is running his own business in New Zealand. Malchus Kern, aged 19, was home educated in England, but now lives in Germany and has completed a university degree there.

Quotes from the people I interviewed are in boxes. These are the main points that came out of our discussions:

Home Education is personalised learning

Curricula are tailored to the children using them in a way that would not be possible in an average school set-up. Learning is based upon personal passion and interest, and there is a sense of the individual taking responsibility for his own learning. As a result, the education is interesting and fulfilling, and motivation is high.

Arthur, age 8, from Hampshire

With home education, you can learn in your own way, so you can learn better.

Sarah, age 10, from Tyne & Wear

Being at home gave me more time to think about what I was doing.

Katherine, age 14, from Hampshire

I have been home educated for about three years since coming out of school at the end of year 6. My brother was home educated before me and is now enjoying studying Music and French at Bristol University. I love home education because it means I am able to study the things I really want to learn. For example, I have been learning Greek and Biblical Hebrew, two subjects I would not have even had the chance to learn had I gone to secondary school. It's great being able to make all your own choices - what courses you do, what subjects, how you do them, and so much more.

Hannah, age 15, from Cambridgeshire

Home education has changed my life for the better in so many ways. I went to state school until the end of year seven. My family and I are Christians and so this is a very important part of our lives. My parents felt that it was very important to teach us from the Bible as well as teach us academic things. Back then there were four of us children with another on the way. My younger brothers were all very excited about the prospect of being home-educated. However, my parents gave me the choice of staying at school or not. After much thought and prayer I decided to be home educated. I have to say it was probably one of the best decisions I have made in my life so far.

Home education allows the child to develop at his own pace, according to his own unique aptitudes and abilities.

Because the curriculum is personalised, there can be a focus on the child's particular gifts without compromise. The pace at which skills are developed can be set according to each individual. Whilst some are more intellectually-minded (and would therefore be able to learn at a faster pace than in school), others might need more time to develop in academic skills, but in the meantime they can invest in other skills such as music, art, dance and sport.

For example, Maths was never really my strong point. In fact, I exasperated my parents so much that my mother completely gave up trying to teach me the subject when I was nine.

If I had gone to school, I would have had trouble, because I could not focus my attention on academic work for more than 15 minutes at a time, and I needed to move around a lot. In the process I could have been made to feel like a failure; it is always difficult if you feel different to the rest of your group. But instead of seeing my endless amounts of energy as a problem, my parents encouraged me to use that energy constructively – I took up riding lessons, I pursued water sports and swimming, and I cycled a lot, I baked and cooked, I played. I also invested in my artistic gifts. At the time, my mum had a close friend who was the art teacher in a local school. She made it possible for me to join in with the class art lessons, as well as having private lessons. I did well with my artwork and ended up winning a number of awards.

In my early teen years, I realised that there was a definite need for academic subjects. So, at the age of 14, I joined a tutorial group of 10 home educated students intending to do a GCSE in Drama. Initially I found the work load to be quite overwhelming as I was not used to writing essays and having deadlines. However, I had a very supportive tutor, who both challenged and encouraged me to overcome my fears. Nine months later we took the exam, and I got a result of 'B' – about which I was over the moon! Taking that GCSE was so much more than just another exam, it was a triumph for me, a symbol of overcoming something that would previously have been an issue. This was my first ever written exam, but I was ready to handle it. I felt the need to do the GCSE, so I took ownership – this meant handling the lows as well as the highs.

Having done one GCSE course, I felt confident that I would be able to do more. So the following year, I completed two more GCSEs – English Language and English Literature; for which I received an 'A' and a 'B.' At the moment I am working on my old nemesis – Maths; I am in the process of preparing for the GCSE. I am following a modular approach, and achieved an A for the first module.

However, GCSE's have not been the most important focus in my life. I love horses, and so I have given most of my attention to equine studies with the British Horse Society and then with Parelli Natural Horsemanship, alongside caring for my own little herd of six horses and ponies.

I think there is so much truth in the idea: 'When the student is ready, the teacher will appear'.

Why is it that our society puts such a huge amount of pressure to perform on children, when in fact they may not be ready for a certain subject? It's not to say that the subject is bad, or lacks interest for the child, but the timing might be wrong.

Beth, age 11, from Leicestershire

Home education has freed me. I am now able to learn instead of sit somewhere where I don't learn anything and then get told off for forgetting that I have been told. At school they bully you into learning stuff and tell you off if you don't manage to do it.

Toby Williams, aged 18, from Scotland

I was home-educated from when I was 7 to when I was 16. I'm in a bit of a unique situation with my education in that I was home-educated to GCSE level, then attended school for just one subject, Maths, and taught myself Physics and History at GCSE level. Having gained high marks in all my subjects (I had also done three O-levels the year before at home) I then went to college for 2 years, coming out with decent qualifications and a place in Strathclyde University to do a BEng in Civil Engineering. I would say that home-schooling has prepared me very well for the course I want to take, for the simple reason that it was flexible enough to allow me to pursue the subjects I liked. So all in all, I think Home Education has worked great for me, because it's given me the freedom and thus the confidence to pursue what I really want to do.

Home education enhances self awareness and individuality.

Because the individuality of the child is accepted and respected, the child learns to trust himself – his own sense of who he is and what he likes and dislikes.

My parents never knocked the interest-based learning out of me. They could've forced me to do those subjects that I found impossible and horrible when I was nine, and made me do various tests so that I would be 'prepared' for the 'real world', but at what cost? Would the person inside of me have been defeated purely for the sake of some exam? And would I have learned to love those subjects?

One might argue that the pressure I was initially put under when I first encountered written exams at GCSE level was not fair; if I had been in a school, I would've been better prepared for this. However, I was ready for the challenge when it came, and I felt in control because it was my own choice to do it. At an earlier stage, and without choice, I think the pressure would have caused an emotional and intellectual shut down.

Instead I had a precious childhood, and my strong sense of self is the fruit of it.

Waiting was risky, because my parents had to put a certain degree of trust in me, in my motivation and in my innate capacity to learn. They ran the risk that I would not make much of my life. Many people believe that a child will not learn unless he is made to do so. My parents knew that I would not learn if I were made to do so.

I don't know any home educated children who have had this kind of ownership in their learning who have abused it. After all, what is there to abuse when it is what you want to do?

Jenni Koetsier, age 19, from Hampshire

I have always been home educated or studied through correspondence colleges. Following this educational method has taught me to be independent and self-directed in my studies. Although my parents have given necessary guidance in my learning, there has always been a strong emphasis in our home on each individual finding their own passion; that spark that makes being alive worthwhile, and on using that passion as a direction marker in the pursuit of knowledge and skills. A wonderful effect of this is that I have a strong sense of who I am and of what I want out of my life.

Home educated people are able to realise their goals and objectives

Initially the parents support and facilitate the children's learning experiences. As they mature they become competent at managing their own learning. Because they know what they want and are motivated to get it, they have the perseverance needed to succeed.

In the 17 years that I have been home educated, I have developed an interest in learning as a lifestyle, rather than as something separate from my day to day life, and I have opened many potential career options.

I successfully completed GCSE's, British Horse Society exams, Parelli Natural Horsemanship assessments, Royal Yachting Association certificates, Ballet and Tap Dancing exams, and I am now planning to spend a few months with a charity that works with orphaned children in Tanzania, after which I am considering doing a degree through the Open University.

Peter, age 13, from Suffolk

My curiosity can be satisfied at any time now and on any subject, without diverting away from my own thoughts of what I wish to know. I love home education it has given me the freedom to learn at my own pace. Pure bliss...

Daniel Bright, age 21, from London

Until the age of 11, my timetable was simply a set of exercises from textbooks; maths, English, geography, italics, French, and PE (running around the garden on trikes). Once I'd finished these, I was free to play with my older brother. But learning didn't end in the 'classroom', building Lego models from plans as my brother did, or from my imagination as I did. The rule of thumb was no screens, TV or otherwise, before lunch.

After age 11 things became ever-so-slightly more structured. From 9 to 11 o'clock was English, science, and Bible history with mum, and then afterwards my older brother and I did our own work which was marked by one of our parents. This stayed the norm until GCSE's were completed for which I got an A (French), B (Spanish), and 2 C's (Maths and English)

Jenni Koestier, age 19, from Hampshire

There is something amazing in having set my own goals, having that direct and specific ownership, insight and understanding as to why I have chosen to do something. This is a motivating drive in me that I much prefer to being told what to do just 'because' someone else told me to, because someone else felt it was best, or because everyone else does it that way. I constantly ask 'why'? Why am I doing something, how am I growing and where does it lead me? I prefer to evaluate my progress based on where I was and on how I have improved more than comparing myself to other's achievements. I do however I love the inspiration drawn from the lives of others as a further spark to my own personal journey and believe that there are benefits to group learning.

For the first part of my life, my learning tools were eclectic; a Maths text, assorted worksheets, lots of books, travel, real life hands-on learning experiences and the internet. I have done and experienced things to which a child in the usual school system would not necessarily have been exposed. I did a year of Latin – which I didn't really enjoy, but I am still glad I did it. From the age of fourteen I began looking into some GCSE subjects and I enjoyed having some formative structure to my learning. I did two years of professional ballet training (2007 and 2008); it was connected to a ballet company rather than a school so it was non academic. However in the second year I decided to pick up two A Levels via correspondence which I completed this year. I have just survived my second day of week two at Winchester University studying Journalism and Choreography and Dance and I am doing well.

In conclusion I feel that my journey has successfully taken me to Higher Education, but that the journey alone was very diverse and interesting - which made it worthwhile in itself. I have been given the opportunity to explore ideas without the distractions of peer pressure. I haven't had to conform to societal norms, and have thus seen the world from a broader perspective. Home Education has allowed me to develop a strong sense of personal identity.

Home educators are creative about accessing extended learning opportunities

People think we miss out on things; that there are so many opportunities in school. This may be true, but we get to take hold of other opportunities instead.

Because I was home educated I have been able to make the most of my interest in horses, progressing at a faster rate than expected simply because I had plenty of time available to focus on my interest - I completed BHS Stage 1, and am currently studying Level 3 Parelli Natural Horsemanship. I am particularly interested in horses with behavioural problems – what made them that way and what we can do to help solve them. I have been on many Natural Horsemanship clinics, both as a spectator and as a participant. I have spent many hours doing both voluntary and paid work on various equestrian yards – from competition environments to leisure yards. I have also had the opportunity to work with a freelance riding instructor, and I found this very valuable. I have had horses of my own, and have helped with the schooling of other people's horses. I earned enough money in this way to be able to buy a young Dales pony that I trained and backed from scratch – he is 4 years old now and ready to be sold to a special home. I am really proud of the work I have done with him. In addition I have taught my younger sisters almost everything they know about horses and riding – this has been very satisfying.

Home educators can, by default, miss out on the dynamics of peer group learning. However, one develops the skills of flexibility and focus instead – I am just as capable of learning with my 8 year old sister, as sitting in a seminar aimed at adults. Having said this though, it was possible for me to complete all my GCSEs with a group of home educated teenagers around my own age and thus I personally don't feel that I lost out on the group dynamics. I am also a part of a theatre group, in which we work with our peers and also with other age groups. My little sister and I are in the same theatre group, which is a lot of fun, because all my friends find her so cute.

Many home educators meet once or twice a week to study together, creating a co-operative learning environment. A parent who feels suitably qualified might help the children develop in one subject, while another parent will assist in a different subject. Older children might help look after the babies while parents work with young children, followed by the older children studying together while the children and babies play.

However, as I mentioned earlier, learning doesn't happen only within the constraints of the classroom - weekly outings to the public swimming pool might be just as educational.

Home educators regularly go on outings together. Activities we have participated in include: orienteering courses, outings to museums, historical buildings, and zoos, art and craft activities, focus workshops, hands-on learning centres, sports days, trips to major cities, concerts, theatre productions, cinemas, and beach days. Travel is a feature of home education; people are always going on trips of one sort or another. Because the group is often smaller and more informal in its structure than school-groups, these outings can be more personalised.

I have been particularly fortunate in that I have been able to pursue my interests under the tutorship of people who are highly qualified and who love what they do. My parents have put a lot of effort into helping me access experts in their fields.

Malchus Kern, age 19, living in Germany

Being home educated gave me the opportunity to intensively deal with a subject, over a period of time. It was possible for me to approach these subjects on my own, with assistance when I required it. Through my many travels, I have met a variety of people, and have been exposed to many different cultures and ways of life. I have learned several languages in a natural way, without the need of a classroom and teacher. I have now completed a degree and I am preparing to be self-employed. I am a very happy person.

Home education ultimately produces self-directed, confident individuals

When people feel respected and valued, a sense of personal identity develops.

We need people who don't base their value only upon the opinions of others, but upon their own deep sense of what life truly is. Such people are successful in life; they know what they're about, and no one can knock that confidence out of them – even though they may not have followed conventional paths.

I am more and more convinced that if people are self-confident and have a passion for life, they will make a contribution of some sort.

Early last year, I spent a week sailing with the Ocean Youth Trust South. The Trust invited me back as a member of their voluntary Sea-Staff and sponsored my training. Since then I have done five voyages on the 'John Laing', sailing as Relief Bosun.

This has given me an opportunity to build my own sailing qualifications and knowledge (I have completed RYA Start Yachting, Competent Crew, and most of the Watch Leader syllabus), whilst helping and supporting young people sailing with the Charity – individual bookings, Young Care Taker groups, Private School groups, and groups of highly disabled or disadvantaged teenagers. The teamwork and relational skills I have developed as a result of growing up with 4 siblings have been beneficial when sailing with 17 other people. I enjoy working with OYT, and will continue to do so.

George, age 12, from Lancashire

Now I am home educated I don't have to sit at the naughty boys table, I wasn't naughty but as I couldn't keep up I had to sit with them and they made it harder as they kept messing about.

Now I am home educated I can get help from my mom when I get stuck, she explains things to me and takes time to make sure I understand. When I was at school the teacher never used to have time and wouldn't listen when I said I didn't understand. I had to spend my playtimes trying to catch up.

Now I am home educated I can do things at my own pace and not have to worry about lots of other children doing everything so much better than I was.

Now I am home educated I feel more confident in my work and learning.

Now I am home educated I am me at last.

Home education enhances the development of key life skills

Because their education is centred in family life and in the home, children learn necessary life skills in a natural and meaningful way – dishes have to be washed, younger siblings need assistance, the garden needs to be weeded. My siblings and I are very efficient at household tasks, and this will stand us in good stead when we have our own homes one day.

Hannah, age 15, from Cambridgeshire

I have learned so much, not only academically. I have also learned life skills such as cooking, cleaning, looking after babies and younger children (two of my brothers were born since we started home education) and much more. I have learned that education is not a chore but a lifestyle. I now love learning so much more than I did while at school. I learn not only from text books but also from the people and situations around me. Sometimes a walk in the park can be just as educational as reading a textbook. However last year I took a Maths IGCSE and an English Literature GCSE. I achieved an A in both.

Home education is in my experience a brilliant way to learn and I am so grateful to my parents for taking the time to teach me at home.

Daniel Bright, age 21, from London

Coming from a large family, I would say I learnt the skills oft quoted as necessary for life. Doing the dishes, household jobs, mowing the lawn, all were part of the daily routine; something for which I would not have had the time or effort after the prescribed 8-3 day most children endure.

Home education builds strong family relationships

Parents and children are able to share life and have a better understanding of each other as a result. Parents are more involved in their teenagers' lives, which means they become mentors and supporters at a crucial time. And siblings have the opportunity to learn to be good friends in spite of differences in personality. Older siblings tend to get involved with the education of their younger siblings. I have helped with the care and education of my sisters and have a very close relationship with them both as a result.

Jack, age 4, from London

I think it's quite nice because I like being with my mum. And I like doing things outside.

Toby Williams, age 18, from Scotland

Because I enjoyed Physics, I read many books and taught myself GCSE Physics, something I would have struggled with in school because of the structured nature of the course. I'm now taking a year out, and in my spare time I often sit down with my 10-year-old brother and discuss Physics with him. He's really starting to take an interest in how things work and working out mysteries about the world around him, and this wouldn't be feasible at his age in school.

Home education allows for a wide and diverse social context

Children who are educated at home learn to relate comfortably to people of different ages because they are not only or predominantly in the company of their peers. One of my good friends is 47 years old, and I am considered a close friend of a 9 year old – so much so that I have been invited to her house for a sleep over! I have friends who go to school, friends who are at university or college, and friends who are home educated. I have friends in different countries, friends who are Christian, Sikh, and friends who do not subscribe to any religion.

Hannah, age 15, from Cambridgeshire

It is often thought that home educated children are deprived of a good social life but in my experience it is completely the opposite. I have a brilliant social life and so do most, if not all, my other home educated friends. In a week I have homeschooling groups, my youth group, Church and often many more things such as meeting up with friends etc. I find it very easy to talk to people who are not in the same age group as me.

Jo Risbridger, age 20, from Hampshire

I was home educated for secondary school but did part time at college for some of my GCSEs. I went to college for sixth form and am now at university.

In retrospect, I think that there are some subjects you can't do as well at home, for example PE and chemistry. On the other hand, you do get to focus on areas of interest more and do projects in these areas.

In some ways you do end up 'living in a bubble', which one day you have to come out of.

Having said all of the above, I haven't had any problems at socialising at university. This could be due to the fact that I am a reasonably social person by nature, but homeschooling definitely hasn't affected me in a negative way. In fact it might have helped, as I am willing to talk to anyone!

Home education is enjoyable

The childhood I received was a priceless gift from my parents, it is a time that I will never have again. I remember how carefree it was – I had freedom to discover life at my own pace. Sadly many children in our society never experience what a true childhood is, what play is.

George, age 7, from Hampshire

The nice thing about it is that you learn lots, and you do maths by making things. You do not have to stop for summer holidays and it is more fun being home educated. You can also go on holiday when it is quiet so museums and open spaces are not crowded.

Arthur, age 8, Hampshire

I like being educated at home because you can learn in a fun way and choose what you want to learn to a certain extent. Also less time is wasted; we can garden, and cook and learn in a real way. We can do lots of the things kids at school can't do, especially going to clubs in the evening, because we do not have to get up as early as school kids.

Daisy, age 12, from Suffolk

I like Home Education because there are no limits and no boundaries; it is enjoyable and fun because I do not have to wait to do a project of my choice. I have just completed a Professional Proofreading course which has taken me 9 months at my leisure and gained me a Diploma for my future. If everybody went to school and learnt the same things the world would be a very boring place.

Home education does not isolate learning but makes it part of one's lifestyle

Life is the classroom, and learning is far more than textbooks and tests. A personalised, relevant, contextual education is very valuable indeed.

Andy, age 23, resident in New Zealand

Now I see home-schooling is the wrong way to refer to it. Home-education is all about removing the school mentality from your mind and embracing education as simply one aspect of life, and integrating it into pretty much every aspect of your life - without the need to specify which hours of the day are set aside for "learning".

Chloe Watson, 16, from West Sussex

I'm home educated. This was not always the case though; I started attending school

aged four like most of my peers. Unlike most of my peers, however, my parents withdrew me from school, just before my ninth birthday – I'd been stressed by school, becoming withdrawn and sleeping badly, and my parents decided to try educating me themselves.

Home education was like a wonderful dream to me, filled with play, true friends of all ages who didn't tease me or hit me, and different things to do every day. I did do formal work – maybe an hour or two in the morning, where my mother would patiently stuff geography and maths down my throat, and I would be difficult. I also sometimes did work with my father in the evening, though it was less formal, based more on curling up on the sofa and chatting about science and the meaning of life.

The rest of the time, I read story books in my room, helped mother in the kitchen, went bug-catching in my garden, saw friends of all ages and backgrounds, climbed trees, went to events put on by my local home-ed group, attended clubs (gymnastics, folk dancing, etc.), and numerous other activities. I can honestly say I had not a moment of boredom.

Soon though, I returned to school, part time, for the last year of primary. My parents did not feel they could teach me the full breadth and depth of a secondary school education, and wanted to ease me back into institutional education. I met with the (brilliant) head of a local school, and we agreed the terms of my attendance – I would attend 3 set days a week, help out in the reception class once a week, only do the homework I found interesting, and wear school uniform along with a bandanna (an article of clothing I was very attached to at the time).

I had feared that I would be behind the other children, at least in the areas I had not studied much. My fears were unfounded though, and I was in the top of my class for everything. I made friends there too, for the first time in a school setting, though they were rather more fickle than my home educated friends, and a little predictable, being all the same age. On the days I was not in school, my life remained largely unchanged, with the same flow of work and play. At the end of the year, I took the SATs tests, and passed with top grades.

I got a scholarship to a small private girls' school, which I had chosen due to the small class sizes – I was one of only twelve pupils in my year – and started attending full-time. It didn't work. The entire class was strictly Christian, and far wealthier than I. Nearly all the girls had their own friendship groups already, and though I was not bullied at first, I could not relate to any of my classmates, and the girls in the year above did not want to be seen with anybody younger.

As for the teaching, it was not suited to my calibre, nor could it be even if the teachers had wanted to stretch me – out of all my classmates, only two did not have special needs, with 3 of them suffering from severe learning difficulties. Having a class of twelve made setting impossible, so instead I had to endure lessons of mind-

numbing simplicity, and work that was easy, but only followed by more of the same if completed fast. I learned to work slowly and keep my head down, but I was not happy.

At the end of the year, my parents let me transfer to a different school, and at the start of year eight, I entered the local comprehensive – a large girls' school near one of the town's council estates.

This too was a disaster, with the school initially not recognising my ability and putting me in too low a set, and then ignoring my complaints of bullying with great steadfastness. I was bored, even once I was moved into top set, and I had no friends because I wasn't interested in the same things my peers were, and they disliked me for not fitting in. After two terms there, I had become ill due to stress, and the school had still failed to do anything to stop the bullying. Reluctantly, my parents once more removed me from school.

It took about six months before I was fully recovered from the experience, and could trust others or enjoy learning again, but after that things were brilliant. I decided to take a double science GCSE, two years early and in just one year, and ended up taking maths GCSE too when my father accidentally signed me up for both exams in January. Having studied for less than a whole year, I sat my papers in a nearby school, and achieved A* grades in each.

I decided to start on physics and maths A-levels the next year, taking them two years early but at the normal rate, along with starting a Latin GCSE at the same time as my peers were starting their GCSE courses. Alongside all this I did other, less structured studies, learning German from a family friend and attending other home-ed events. The pace of life was easy, inquiring, and sociable.

Now, I've finished my exams, achieving high A grades across the board. I might take more A-levels as my peers are now doing at college or sixth-form, but I doubt it – I'm more interested in the short courses offered by the Open University. Also, at the moment, I have two jobs – I tutor for maths and English, and I'm a researcher for a book. Also, I'm very busy with my work as Chair of the Home Educated Youth Council, and my local Transition Towns movement - and taking a shorthand course at my local college.

Add to that my non-progressive studies – I write, play piano, draw, make jewellery, cook, etc; my friends – spread out all over the country, but still seen regularly; and possible future projects – work experience on two dairy farms, a butchery course, learning tailoring and leather-work, writing a novel, starting my own school, and learning basic carpentry – and it becomes clear why I don't really have time to follow the more traditional routes, or even plan what to do next.

It's not the 'broad, balanced education' I'd receive from the national curriculum, but that doesn't seem to be harming my prospects, and I'm doing without the misery and mind-numbing boredom I experienced at school. I have too many interests to follow a set path, and I thrive on varied social interaction. Thus, home education suits me down to the ground, letting me get a brilliant, 'section 7' education despite my odd range of interests. And the broad range of qualifications I lack? I trust my behaviour to display my competence, and allow people to judge me by who I am, not what bits of paper I have.

Jazmin, age 15, Oxfordshire

I love being home educate and want everyone to understand how it works so that they can see the benefits and that the proposals drawn up by Graham Badman would only lead to intrusive and unnecessary changes to our way of life.

5. The Case for Home Education – put by the academics

Dr Paula Rothermel contributed this chapter. She is an Educational Psychologist at the University of Durham who has written, published and spoken extensively on the subject of home education. She has provided single & joint expert reports and assessments for court, relating to home-educated children and their families, as well as providing reports for families and local authorities. A bibliography will be available upon her return from Switzerland.

She has not been involved in producing the rest of this document and the views expressed therein are not necessarily her views.

The Importance of Parental Involvement in Children's Learning

Research focusing on children's learning outside school shows that the value of parental input should not be underestimated (e.g. Rothermel 2002). What really motivates children is love, and this can be interpreted in terms of parental involvement (Rothermel 2008). Scientific research has shown that brain development is inseparably linked to love (Gerhardt 1994). In terms of promoting learning, parental input can involve as little as just being there for their child, answering or helping to answer questions as and when they arise and facilitating resources and activities (eg Thomas 1999, Rothermel 2002, Thomas and Pattison 2008).

Tizard and Hughes (1984) in their study of classroom dialogue found that parents had the advantage of understanding the context of their children's lives in a way that teachers were not able to, concluding, “Indeed, in our opinion, it is time to shift the emphasis away from what parents should learn from professionals, and towards what professionals can learn from studying parents and children at home' (p 267).

The findings of Tizard and Hughes lend support to the idea that parental input is not just a useful support tool, but rather, a powerful source of children's learning potential. In a later study Tizard, Blatchford, Burke, Farquhar and Plewis (1988) concluded that teachers responded better to children whose company they most enjoyed, and many parents know the value for a child of having a teacher they really like. In terms of what a parent teacher/facilitator can offer, it is clear that those with the most invested in their children's development are the parents. Parents generally respond well to their children and their children are likely to reciprocate this. Other research (Georgiou 1999) has described this as a cycle of positive attribution.

Whilst a recent criticism levelled against the favourable outcomes for home education has argued that home educated children outperform school children because parents are, “are strongly committed to their child's development” (Badman 2009), many researchers from both mainstream and home education would argue that this is a fundamental advantage to all children, home or school educated.

Home education research as a whole, finds that parental commitment involvement is a major characteristic and it may therefore be considered, that if home educated children perform at least as well as and often better than, school children, (Blok 2004), then this high level of commitment is a major contributing factor.

What is perhaps particularly interesting about Rothermel's (2002) UK home education research is that good social economic level was not been found to be synonymous with a high level parental commitment. That is, less affluent parents, motivated by their desire to encourage their children's learning, became motivated, involved parents with the result that their children benefited in terms of academic, social and psychological development. To dismiss the children's outcomes on the basis that their parents were motivated and committed, is an unusual criticism., "

Professor Peter Hannon (Hannon, 1994) has also supported the view that home learning plays an essential role in young children's development. Citing his earlier research he lists aspects of home learning as interest and need led, effortless, spontaneous and flexible, contrasting this with school learning which is shaped by curricular objectives, effortful, timetabled and fixed. Importantly he describes home learning relationships as high ratio, close and continuous, contrasting sharply with school learning which has a low adult to child ratio, and where relationships are distant and discontinuous with many different adults.

Alan Thomas (1998), speaking about the love of literature observed by homeschooled children in his study, attributed this to the children's exposure to 'dialogue' and to the way in which parents responded to their children as 'individual learners'. He wrote: 'The best support for the proposal that school age children can go on learning as they did in infancy comes from those parents who, when their children reach school age, just go on doing what they are already doing. [...] These parents are simply continuing their children's apprenticeship to the culture.' (pp. 67-68). More recently Professor of Psychology Marueen Callanan has argued that "parent-child conversations are more than just peripheral to development" because they are "a crucial component of the mechanism of developmental change" (Jipson and Callanan (2003).

Professor Annette Karmiloff-Smith described the way in which children take on board information from the external world, reorganising it internally and combining it through conflict and, or agreement with previously internalised knowledge, eventually attaining mastery over the situation. She described this process as 'representational redescription' (RR) and it is this process that fits so well with the idea that parents are well placed to support their children's personalised learning, as concluded by Rothermel (2002). More specifically this idea argues for the benefits that may be derived from autonomous learning as proposed by Thomas (1998). Overall, in terms of informal learning, Rothermel (2002) and Thomas and Patterson (2008) conclude that in the home education context, children absorb their knowledge gradually by virtue of informal repetition, and assimilation through everyday learning involving the natural process of dialogue and exploration. This style of acquiring information has also been found by other researchers to be beneficial (e.g. Edmondson 2006).

In a meta analysis of 14 studies by Desforges and Abouchaar (2003), the researchers concluded that "parental involvement in the form of 'at-home good parenting' has a significant positive effect on children's achievement and adjustment even after all other factors shaping attainment have been taken out of the equation" (p. 4). The DCSF funded Family and Parenting Institute supports this finding, stating, "It is now well evidenced that the home learning environment is more influential in determining children's outcomes than parental occupation, education or income" (FPI 2009).

The conclusions reached by the research described above serve to emphasise the real value to children of informal and self motivated learning. Moreover, families involved in the Rothermel (2002) research described the 'joy' and 'fun' emerged from the decision to home educate. The value of happiness has been addressed by the well regarded economist Professor Layard, who has found that happiness translates into positive financial gain. Thus, through parent's facilitating children's informal learning, children may become not only more motivated and able, but happier too, which in turn can bring improved benefits for prosperity (Layard 2003).

UK Home Education Research

UK based independent academic research has been carried out by Blacker (1981), Webb (1990, 1999); Lowden (1993), Paterson (1995), Brunton (1996), Bates (1996), Page (1997); Thomas (1998), Petrie, Windrass, and Thomas (1999), Taylor and Petrie (2000) Rothermel (2002), Arora (2002), Gabb (2004), Kendall and Atkinson (2006), Hopwood, O'Neill, Castro and Hodgson (2007), Thomas and Pattison (2008), Yusof (2009) Eddis (2009) and Barson (2009).

Thomas (1997, 1998)⁷ described an investigation of children's informal learning processes. The research used home-education as a vehicle upon which to base theories of children's informal learning that could not be so well tested with schoolchildren. Thomas challenged the view that school age children need to be taught in order to learn. One hundred interviews with home-educating parents in Australia and the UK were conducted with parents describing how they taught their children and how the children learned. Thomas found that over time, most home-educating families adopted less formal learning patterns than those originally initiated. He attributed this change to a manoeuvre by the children, possibly without conscious intent, to orchestrate a learning programme to suit their needs: just as the parents of young babies respond to signals from their infant, home-educating parents were seen to take cues from their children beyond school age and in more advanced learning situations, avoiding the necessity for formal teaching. Thomas hypothesised that on entering school, children lost the art of informal learning, at least to the degree experienced by children who had not been at school.

⁷ Thomas (1997) was a summary paper relating to the later publication by Thomas (1998)

The type of learning that occurred naturally was very different from that of school; the children at home were able to freely follow streams of thought that linked in with everyday life and although this learning style was slow and not always apparent, links were gradually made that showed themselves at a later date. Thomas observed that even in formal home learning, topics of interest were allowed to surface and be discussed that did not necessarily relate to the lesson being addressed at that time. In this way children developed a motivation for independent learning. Thomas did not deny that schoolchildren also learn in this way, but that children might not *need* to undergo the style of learning normally associated with schools. Thomas concluded that intellectual development, particularly during early years, might happen naturally and incidentally without formal learning and moreover, if such an education was not better than school learning, it was at least equal to it.

Thomas' findings appeared to expound the scaffolding and social constructivist theories of Bruner and Vygotsky. Thomas believed that the natural learning he observed was not happening in isolation but was the result of interactions, some level of intervention being necessary, at least to facilitate the learning that enabled developmental unfolding and maturation. This viewpoint is echoed, for example, in Thomas (1998 pp 71, 129). Later work by Thomas and Pattison as expounded on earlier findings (2008).

Webb (1999) interviewed twenty adults who had formerly been home-educated, with the aim of establishing how such children had developed. None of the young adults was unemployed, three having graduated from Oxford University. Only about 30% of the sample contemplated home-education for their own children; a finding that contrasts with that of Knowles (1991) who found that the 10⁸ adults he interviewed (all themselves homeschooled as children), who had become parents (n=7⁹) had all chosen to homeschool their own children. The grandchildren of one participant were currently being homeschooled, creating a third generation of homeschoolers. Webb, however, explained that many of her sample believed that their parents had made 'sacrifices' that they in turn, would not wish to make. The sample were positive about their home-education, believing themselves to have benefited from the experience. Socially, Webb found, as did Knowles (1991), that the home-educated were at ease with a broad cross-section of the community; she described their social skills as 'often very exceptional', finding too, that the home-grown home-educated sample were independent thinkers.

The most extensive research from the UK is Rothermel (2002). This study involved the dissemination of some 5,000 questionnaires through the internet, support organisations and Local Authorities. Recipients were invited to provide their contact details so that further contact might be made, but not informed of what further might be asked of them. Thus, whilst as with all research into a group of this nature there was an element of self selection, the families did not self select on the basis that they

⁸ Knowles mailed 327 questionnaires to homeschooled adults in the USA and Canada, receiving 53 responses of which 46 agreed to an interview and a subset 10 were actually interviewed.

⁹ Seven of the adults home-educated approximately twenty children

knew they would be invited onto an assessment programme. In effect, the respondents were blind to this aspect of the research. Over 1000 responses were received and 419 of these were analysed, in no particular order. The intention had been to analyse all responses but time and cost constraints limited the sample to 419 families and 1099 children. Rothermel analysed the survey responses and followed this stage up with an assessment programme involving 238 assessments of 196 different children. For each assessment all the children who fell into the appropriate age category were invited to participate and from all these, just one family declined to participate further.

The quantitative results showed that 64% of the home-educated Reception aged children (n=35 tested twice) scored over 75% on their PIPS Baseline Assessments (achieved by 5.1% of children nationally). The National Literacy Project assessment results revealed that 80.4% of the home-educated children scored within the top 16% band (of a normal distribution bell curve)(n=49), whilst 77.4% of the home-educated children assessed on PIPS Year 2 achieved placement within this band (n=19).

Results from the psychosocial instruments confirmed that the home-educated children were socially adept and did not display behavioural problems significantly beyond the norm (n=136). Overall, the sample demonstrated high levels of attainment and good social skills.

Common to all families involved was their flexible approach and Rothermel concluded that the children benefited from parental attention and the freedom to develop their skills at their own speed. She noted that these families enjoyed strong bonds and that the parents were committed to providing a nurturing environment for their children.

Analysed questionnaire data revealed no clear 'type' of home-educator, with families coming from diverse socio-economic backgrounds. Whatever the initial motivation (there was more or less an even division between children who had been withdrawn from school and those who had never attended) home education tended to become a lifestyle choice rather than a statement about state education.

Rothermel found that the children who came from lower socio-economic backgrounds outperformed their more affluent counterparts, whilst performance differences between boys and girls were negligible. She hypothesised that poorer families tended succumb to pressures from family and so were more likely to be following the national curriculum, in contrast with better off families who tended to be more relaxed about their children reaching age related targets 'on time'. Rothermel does conclude from this however, that differences whereby lower attainment is expected from poorer children, and girls outperform boys, were are more likely to be the product of schooling.

Other research (e.g. Hanna and Quinn 2004; Sylva, Melhuish, Sammons, Siraj-Blatchford and Taggart, 2003) finds that both parental level of education and socio-economic status (SES) are two of the main indicators of pupil achievement and yet, in the home-education research, neither of these factors played such a central role in attainment. Thus, it seems that SES and parental qualifications are indicators of success only for school children and the importance of their role in children's learning per se should not be assumed.

From the higher than normal attainment reached by children of reception age, Rothermel concludes that learning at this time may be maturational and that some schooling may even perhaps depress the natural urge to acquire new information. This she argues, presents good evidence for the benefits of a later school starting age, such as is seen in some parts of the US and Switzerland.

International Research

Internationally research interest and activity in home education is high. The International Home Education Research Network brings together academics from across the globe who use the online discussion forum to share and disseminate their research. Academics involved come from Colombia, Spain, Mexico, South Africa, Afghanistan, India, France, Estonia, China, Australia, Sweden, Norway, Denmark, Germany, Switzerland, to name just a few examples.

Conclusion

Some critics readily dismiss what is a considerable body of academic research with home educated children and their families in the UK. However, the results from the research are not especially surprising, and overall, they fit well with findings from research with school children. That school children benefit from time spent with parents is often a given that people readily accept and yet, when that same conclusion is reached from research into home education research, it carries with it an element of suspicion for which there is no obvious justification. Similarly, when children learn at their own pace and with parents beside them in the years up to starting school, few would question their ability and motivation to learn, and yet, when researchers such as Thomas and Rothermel find that children continue to learn productively after this time, doubts are cast over the quality of their work, despite many other academics and scientists in various fields from around the world supporting the value of motivational, maturational and informal learning.

6. Child Protection

- 6.1 This chapter will examine the question of whether recommendations in the Badman Report are necessary at all on child protection grounds. It will also seek to answer the question: Would the recommendations, if implemented, protect home educated children from significant harm?
- 6.2 Before starting, it should be made clear that the terms ‘Child Protection’ and ‘Safeguarding’ are not synonymous. This report will use the following definitions, explained by Eileen Munro, a reader in Social Policy at the London School of Economics:
- 6.3 “Safeguarding children relates to ensuring that all children fulfil their potential and covers all aspects of their welfare, including their education.
- 6.4 “Child protection refers to the specific problem of children suffering, or at risk of suffering, significant harm from abuse or neglect, usually at the hands of their carers.”
- 6.5 The distinction between Child Protection and Safeguarding does not appear to have been made in the Badman Report.
- 6.6 MP Baroness Delyth Morgan has said that Graham Badman was asked to carry out his review in the light of “the small but worrying minority of cases where home educated children have suffered harm because safeguarding issues were either not picked up at all or were not addressed with sufficient urgency”.¹⁰
- 6.7 When we examine the four Serious Case Reviews that were considered by the Badman team and we find in all of them that the children were already known to local authorities. In most cases, they had been visited by many different agencies, including social workers and the police.

Cot death, Isle of Wight (older child was electively home educated)

In August 2007, a one-month-old baby was the victim of a cot death.¹¹ Both parents were drug addicts and were living an “alternative lifestyle” on an “unsafe site”¹². Their baby had been placed on the child protection register at birth under the category of neglect along with three older siblings, one of whom was home educated. Nine agencies were involved with the family including social care, the police and the education welfare service.

Nine agencies were involved with this family.

¹⁰ Letter from Delyth Morgan Baroness of Drefelin to the Rt Hon John Bercow, 29 July 2009

¹¹ Cot Death is professionally known as a Sudden Unexplained Death in Infancy (SUDI) or Sudden Infant Death Syndrome (SIDS).

¹² These were descriptions given in the Executive Summary of the Serious Case Review.

Eunice Spry's children, Gloucestershire

In April 2007, foster carer Eunice Spry was jailed for 14 years (reduced to 12 by the Court of Appeal) for the abuse of three children - one whom she had adopted and two she had fostered for most of their lives. Over a period of 19 years, Spry routinely beat, abused and starved the children. The case came to light when one of the children reported her foster mother to the police.

The children had been home educated since 1994 when they were aged eight, eight and five.¹³ During the case at Bristol Crown Court, the prosecution said that Spry had removed the children from school so that no-one would see their injuries. She also forbade them from being examined alone by doctors or dentists. In a statement, Gloucestershire Safeguarding Board said: "Although these children were seen by many different professionals, few were a consistent presence. Information was not shared so that it was impossible for anyone to have a clear picture."

Eunice Spry and her family were visited many different professionals.

Teenager dead for four months, Enfield

The body of a 16-year-old girl was found lying in the front room of the family home in March 2007. It is believed that her body had been there for four months. It was so badly decomposed that the cause of death could not be established. The family reported that she began complaining of chest pains and had other symptoms in October 2006. Her mother said that when the child died on 3 November 2006 she could not face having the body taken away. In criminal proceedings, the mother pleaded guilty to preventing the lawful burial of her daughter and neglect of her son. The judge described the case as "absolutely unique" and noted that the mother was "suffering from a profound and untreated depression". The girl and her brother had been withdrawn from school in January 2005. The Serious Case Review stated that the mother "complied with all statutory requirements in relation to children in elective home education. She co-operated with visits from the London Borough of Enfield Education Department in April and May 2005, and June 2006. The visiting officer had no concerns about the family or their circumstances, and was satisfied with the programme of education proposed."

This case was "absolutely unique". Education officers had no concerns.

¹³ Two of the three children have written accounts of their lives. Child C by Christopher Spry, now aged 19, is published by Simon & Schuster. Deliver Me From Evil by Alloma Gilbert, now aged 22, is published by Pam Books.

Young Person's Suicide, South Gloucestershire

A 16-year-old girl from a traveller family hanged herself in December 2004. A number of agencies were involved with the family, including health, education and social services. "Misunderstandings over legal advice (about education) were a critical element coupled with a perception that it would not be possible to pursue this difficult case to a satisfactory conclusion."¹⁴ Social services had identified a number of concerns but "due to apparent poor communication between the social worker and first line manager the impetus was lost".¹⁵

Health, education and social services departments were involved with this family.

6.8 The case of Khyra Ishaq was not included in the Badman review, presumably because it is still the subject of a court case.

Khyra Ishaq, Birmingham

Khyra Ishaq died aged seven years old in May 2008. She was found with her five siblings in a reportedly emaciated state. Khyra's mother, Angela Gordon, and Gordon's partner, Junaid Abuhamza, have pleaded not guilty to murdering the child. Their trial began in June 2009 but was halted after three members of the jury were discharged. They will face a retrial in 2010. The case is the subject of a serious case review examining the actions of agencies in relation to the family. The review is expected to be published by Birmingham Safeguarding Children Board once criminal proceedings have been completed.

"Khyra was withdrawn from school in December 2007 - six months before her death to be taught at home by her mother. Teachers from the school were refused entry to the house when they tried to visit, as were social services when they were alerted to potential problems in the home. Police attempted to carry out a check before Christmas but were also refused entry."¹⁶

Khyra Ishaq was known to social services, the police and her school.

6.9 It is also worth mentioning Victoria Climbié whom many people wrongly believed had been home educated.

¹⁴ Direct quote from the SCR

¹⁵ Direct quote from the SCR

¹⁶ Quote taken from The Times 6 June 2009

Victoria Climbié, London

During the Victoria Climbié case it was alleged that Victoria had been home educated. This was clearly not the case. Following a report quoting the NSPCC in The Independent newspaper, Victoria Climbié's parents, speaking through the Victoria Climbié Foundation stated: "The Victoria Climbié Foundation UK is genuinely concerned about the link being made between Victoria Climbié and home education, and Victoria as a hidden child. Victoria was neither home-educated nor hidden. The reality is that there is no such thing as a 'hidden' child, only children who are allowed to fall through the gaps. The key issue here is how statutory services interact with children that are known within the child protection system."

Victoria Climbié was not home educated.

- 6.10 In all these serious cases, the registration and intrusive monitoring proposed by Graham Badman would have made no difference. The children were already known to the authorities.
- 6.11 There was clearly some level of failure by the local authorities in these cases. It is equally true that other local authorities address child protection issues more robustly. In its submission to the review into elective home education, Ofsted said the following: "Our experience from inspections of children's services and evaluations of serious case reviews is that there is variation across the country in how proactively local safeguarding children boards ensure these (home educated) children are safeguarded. Some local child protection procedures address this robustly while others do not."¹⁷
- 6.12 If some local safeguarding boards are able to ensure the safety of home educated children under current legislation, why is a change of law necessary at all? Surely all that is needed is that good practice and robust procedures for protecting children educated at home should be adopted in all areas. Social services already have extensive powers to investigate if there is reason to believe a child is at risk of harm.
- 6.13 Ben Grey is Assessments and Interventions Manager for a Cambridgeshire-based children's charity with the aim of safeguarding children and preventing family breakdown. He is a former Local Authority Social worker and Children's Guardian (Guardian ad litem) with 17 years experience of working with vulnerable children and families, and in the field of safeguarding children.

¹⁷ It ought to be noted that Ofsted felt there should be changes made to the current system for monitoring home educated children.

- 6.14 He is an Oxford University graduate; has an MA in Social Work (with distinction) from Warwick University and is a qualified Social worker (DipSW). In addition, he is currently a PhD student conducting research into the area of assessing risk in parenting and relationships. He has published articles in the field in legal and professional journals and also acted as a consultant and trainer. He is the father of two sons: an 11-year-old with high functioning autism who is currently being home educated and an eight-year-old who goes to school.

Ben Grey

I write in a personal capacity, and my opinions should not be taken to represent those of my employer in any way. I have not had a part in preparing the document "Right to Reply", or seen its entirety, and these comments should not be taken to indicate any opinion about its contents, beyond what is expressed here.

I would wish to raise concern about the proposals to further regulate home education on account of apparent concerns about *child protection*. Speaking first as a professional working in the field of safeguarding children, I fail to see how these proposals will do anything to increase the safety of children; indeed they may have a negative effect. The overwhelming message from child death enquiries and serious case reviews, from Maria Colwell to Victoria Climbié to Baby Peter, is not a suggestion that failures in protecting children are the result of children being unknown to professionals or a *lack* of information per se. What is frequently highlighted is the *fragmented* nature of information held about children (i.e. agencies holding part of the picture but no one putting it together), and also the complaint that information that *is* known, is not attended to, with relevant professionals failing to see its significance. The problem for the most part, therefore is one of making sense of information, and sharing it, rather than lack of involvement. Social workers already have powers under Section 47 of the children act to investigate where they have reason to believe that a child is at risk of significant harm, and compel cooperation if necessary. Therefore simply visiting more children, without any identified concern is not going to protect children. If the principle problem therefore is not 'seeing the wood for the trees', the solution is not to create more trees. It will not help protect children for professionals simply to go fishing for concerns; it will rather distract and create "noise" (irrelevant information) from the task of properly investigating concerns that do arise, and ensuring that those children are safe. The purpose of schooling is to educate children, not to protect them from their parents. If the point of regulation is to assess the *education* of home educated children on the ground of concerns about their *education* then the argument must be made and debated on these grounds alone. To seek to do this "by the back door" - out of concerns around child protection will create confusion and distraction, as well as diverting resources from supporting and training those whose job it is to assess identified concerns around the care of vulnerable children.

It seems a paradox that the concern expressed is about the invisibility of homeschooled children, and yet the evidence given for this is given in terms of the amount of children who are *known*. This on its own should suggest that what is needed is a sympathetic and better researched understanding of these children, and how they might be supported, rather than a 'fishing trip' which surely can only divert attention from protecting children who need protection and resourcing the support of children in need.

- 6.15 Local authorities argue that they cannot protect children about whom they know nothing. This position diminishes the important role of the home education community support and monitoring. Family and friends of home educated children know about them and are prepared to act if they suspect there are serious problems.
- 6.16 Mr Badman believes that Recommendations 1, 7, 23 and 24 in his report would, if implemented, protect home educated children from significant harm. These recommendations have been turned into proposed legislation by the Government. It is planning to introduce new laws this autumn that would
- force home educating families to register every year with their local authority
 - give local authorities the power to refuse registration
 - give local authority officers the right of access to their homes and the right to speak to their children alone.
- 6.17 It is important to consider the effect that the extra information generated from registration and monitoring might have upon safeguarding children. Much of the data will be irrelevant. Rather than adding to the safety of children, it will cause problems by taking up time that could be better spent on cases of real concern and create a risk of harm by obscuring the few 'signals' (of true concern) among a storm of noise (irrelevant data).¹⁸

¹⁸ This paragraph is a précis of information from Eileen Munro, a reader in Social Policy at LSE, sent to a home educator in a private email.

7. A Suitable Education

7.1 Section 7 of the Education Act 1996 states that: "The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude, and to any special educational needs he may have, either by regular attendance at school or otherwise."

7.2 This begs the question: What is a suitable education? The Education Act does not attempt to define these words.

7.3 In 1981 the parents of a home educated child appealed successfully at Worcester Crown Court against their convictions for failure to comply with school attendance orders (*Harrison & Harrison v Stevenson*). A "suitable education" was defined by the court as one which would:

- prepare the child for life in modern civilised society, and
- enable the child to achieve his full potential. enabled the children to achieve their full potential and was such as to prepare the children for life in modern civilised society.

7.4 In the case of *R v Secretary of State for Education and Science, ex parte Talmud Torah Machzikei Hadass School Trust* (1985) Mr Justice Woolf held that :

"education is 'suitable' if it primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so."

7.5 Because Section 437 to 443 of the Education Act 1996 places a duty on the Local Authority to take action if it appears that a child / young person is not receiving a "suitable education", the Badman review calls for further definition of a suitable education.

7.6 The question remains whether this is possible in a general sense. For what is suitable to a child's ability and aptitude and any special needs they might have is very, very specific and can only be determined by someone who knows the child well.

- 7.7 Some think that a suitable education is defined by the National Curriculum. Thus it remains of ongoing concern to them that home educators are not required to follow the National Curriculum, and they feel that children who are not following the NC are in some way educationally disadvantaged and/or neglected. But a curriculum expresses a particular perspective on what is important, and that point of view is not universally the same – as evidenced by the plethora of curriculae available, and also by the constant changes and adjustments being made to our National Curriculum.
- 7.8 So rather than attempting to define a suitable education as an all-embracing curriculum to which all learners should conform, a suitable education is better defined as that particular education which suits the particular child. Home educators have long made use of the freedom to tailor the education to meet the specific needs and goals of the children in their care.

Jonathan, aged 14, Hampshire:

I have been home educated all my life so I can say my **life** is my education - it is what I do; when I wake up it's what I'm thinking and what I am...

- 7.9 Children develop at different rates and in different ways. What works for one child does not necessarily work for another. We know so much now about different learning styles, different ways of receiving and interpreting sensory input, different personal intelligences and gifting. A suitable education is one that fits; one that suits the person embracing it.
- 7.10 Thus there is a very real sense in which the person himself defines the suitability of his education. This is certainly evidenced in Higher Education, where students select their own career pathways; although they may receive career guidance and advice from others, the final selection of study is their own.
- 7.11 Clearly, this interpretation of a “suitable education” is difficult to implement in the context of compulsory education in a school. However, one of the key strengths of home education is that it is ideally suited for the facilitation of an education that is relevant, specific and accurately pitched at the age, aptitude and ability of the individual child. A personalised, flexible, creative curriculum allows for shifts in focus, interest and motivation on the part of the learner.

Jaki Parsons, Hampshire:

I enjoy the opportunity of allowing my seven-year-old daughter to follow her interests. She reads because she wants to and enjoys choosing stories that follow her passion - ponies. Although she didn't learn to read until she was seven, her first books were Famous Five and Secret Seven adventure stories, bypassing the early books her schooled friends had to endure before they got onto "proper" story books.

She goes horse riding, does gymnastics, football, ice skating and had a brief fling with ballet. We do drama, art, history, poetry and basket weaving.

We are on first name terms with the staff in the Willis Museum, Milestones Museum, Andover Iron Age Museum, SEARCH museum - although to be fair, some staff work at all of the museums!

I love the fact that we learn together, although funds do not allow us to follow all of her interests (for example, she did want to open a petting zoo in the back garden!)

We have visited Oxford University, the British Museum, Mayflower Theatre, Portsmouth Dockyards, New Forest parks, Southampton Civic Centre, INTECH Discovery Centre and many other places.

She has an avid enquiring mind and no two days are ever the same. In the next couple of weeks she will have learnt a poem and recited in front of a local infant school, visited the Royal Albert Hall and listened to the Primary Proms, gone to London for a Children's Jazz concert and watched an assortment of films via the Film Foundation. None of this would be possible if she went to school and followed a prescriptive curriculum.

She is a free range chick, not a battery hen learning facts and SAT's in a gilded cage. I am confident that, like her much older siblings, in due time she will take her place in the world of work doing whatever job that lights her fire.

- 7.12** The most well-known context in which the concept (that a "suitable education" can only be defined by the learner) has been explored is Summerhill School. Founded by A.S. Neill in 1921, Summerhill is run on the principles of democracy, equality and freedom. Summerhill functions with the precept that school should fit the child, not the other way around. Children at Summerhill have no prescribed curriculum, and are free to attend or not attend classes as they see fit. Thus self-government is a core ethos at the school. This does not lead to anarchy, as the freedom to choose is balanced by another core ethos, namely that one is free to do as one wishes *so long* as one's choice does not harm (ie interfere with the freedoms of) others, thus 'Freedom, not License' (A.S. Neill wrote a book with the same name). In many ways the structure of Summerhill looks like a healthy family on a large scale.

7.13 Not surprisingly, in its unique approach, Summerhill has generated a lot of interest over the years, not all of it dispassionate and favourable. It has been one of the most inspected schools in the country. Following a major inspection from OFSTED in March 1999, the then Secretary of State for Education and Employment, David Blunkett, issued the school with a notice of complaint, taking issue with the school's policy of non-compulsory lessons. Rather than conform to OFSTED requirements, Summerhill chose to contest the notice in court with the assistance of human rights lawyer Geoffrey Robertson QC. In March 2000 a settlement was agreed according to which provision was made for the special educational philosophy of Summerhill to be taken into account in future inspections. In 2007 a full inspection was carried out within the framework set out by the court settlement – with very positive results.¹⁹

Ofsted Inspection Report on Summerhill School, 2007

'The school adopts an alternative philosophy to education based on the work of its founder, A.S. Neill. It is based on the notion that children should be free to decide for themselves how to spend their time in school. The proprietor, who is the daughter of A.S. Neill, continues to uphold these principles. The daily life of the school is governed by the school meetings, held three times a week, in which everybody has an equal vote. School meetings are used to create, confirm and amend all the school laws which form the structure of expectations for the community of staff and pupils, in which the adults and children have complete parity of status. The school's philosophy is to allow freedom for the individual, each child being able to take their own path in life and find, through experience, the things that they want to do and the person they want to be. The school proposes that this leads to an inner self confidence and real acceptance of themselves as people. All of this is done within the structures of the school, through the meetings, self-government and the clear distinctions between freedom and licence, all elements which are at the very core of the school's philosophy and the day-to-day experiences of the pupils and staff.'

7.14 Reflecting back on the case, Derry Hannam, who was the Ofsted inspector adviser to the Summerhill defence team, said the following:

¹⁹ Ofsted Inspection Report: Summerhill School, Number 124870
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Derry Hannam

My own feeling is that if a family resisted the inspectorial visit or challenged its findings to the point where they were put before a court and at that point expert evidence in support of autonomous education was given by authorities like Roland Meighan or Alan Thomas, then the poor quality of understanding of learning and education theory by the LA staff would be exposed just as the poor quality of the Ofsted inspection of Summerhill and the highly unimpressive court performance of the DFEE 'Registrar of Independent Schools' on day 1 and 2 of the hearing fatally undermined the unsuccessful attempt by the DFEE/OFSTED to close Summerhill in 1999.

- 7.15 One of the concerns raised in the Badman report is to do with autonomous learning²⁰ (also known as unschooling). Although he draws no conclusions, Mr Badman questions whether it “presents a more serious concern for a quality of education that lacks pace, rigour and direction”. Autonomous educators fear that concerns such as these, along with a concomitant lack of understanding of autonomous education in philosophy and practise will bring bias and heavy handedness to any attempts on the part of LAs to monitor the “efficiency and suitability of elective home education”.

Alison Tindale, East Yorkshire:

Autonomous education seems to lie outside the prevailing educational paradigm of the time, a paradigm that dictates that all education has to be planned, carried out and then assessed. This paradigm is so all-prevailing that we have very little faith that local authority officials will receive suitable training to help them understand autonomous learning and respect it as a legitimate educational method. We fear that, in consequence, (a) officials will judge the provided education as inadequate and take steps towards School Attendance Orders for our children or (b) be tempted to raise false safeguarding concerns in order to refuse re-registration.

- 7.16 It is so necessary to distinguish between education and schooling. All children should be educated, but not all children should be schooled. And if children are not schooled, they are not necessarily uneducated.

²⁰ Review of Elective Home Education pg 36 (Point 10.1)

7.17 Many of the recommendations of the Review are intrusive and interruptive of the process of autonomous education. For example, requiring the child to demonstrate attainment and progress alongside the threat of a possible loss of the right to continue home education is likely to engender fear and anxiety – thus detracting in a very real sense from the philosophy and methodology of autonomous education, which has been defined as the freedom to learn what one likes, when one likes, how one likes, and for one’s own reasons.

Maire Stafford, Leicestershire:

I strongly believe that with education (learning living life), what you don't do is as important as what you do. For some children pressure is tantamount to criticism, criticism can be disabling if it is not perceived as positive. It is important not to diminish, or coerce, or undermine. Often I think ‘oh I could do that with ____, then I look at what she is doing and it is more useful and enjoyable than what I was about to suggest. Without great sensitivity we can interrupt the autonomous process which depends on the child's curiosity confidence and belief in their ability to succeed where they wish to challenge themselves.

Raquel Toney, Essex:

My autonomously educated daughter found that the impending inspections changed the way she approached her learning. She was no longer learning because she had a love of it or was interested but instead to please the inspector. Once I presented what we were doing via a report, things changed and my daughter was able to relax and work at her own pace. She has decided to take GCSE's two years earlier than her peers. She already has an A grade in English Language. I am in no doubt that had she been made to continually exhibit her knowledge in front of an inspector her enthusiasm would have been extinguished and learning would have become a chore.

7.18 Interestingly, the pioneer of autonomous education as an educational philosophy was himself a teacher. Initially John Caldwell Holt sought to reform schools, but with time he came to feel that education could happen better outside of school structures:²¹

²¹ Susannah Sheffer (ed): A Life worth Living: Selected Letters of John Holt, pg 274 . Ohio State University Press, 1990

John Holt

I believe that we learn best when we, not others, are deciding what we are going to try to learn, and when, and how, and for what reasons or purposes; when we, not others, are in the end choosing the people, materials and experiences from which and with which we will be learning; when we, not others, are judging how easily or quickly or well we are learning, and when we have learned enough; and above all, when we feel the wholeness and openness of the world around us, and our own freedom and power and competence in it.²²

I would be against trying to cram knowledge into the heads of children even if we could agree on what knowledge to cram and could be sure that it would not go out of date, even if we could be sure that, once crammed in, it would stay in. Even then, I would trust the child to direct his own learning. For it seems to me a fact that, in our struggle to make sense out of life, the things we most need to learn are the things we most want to learn. To put it another way, curiosity is hardly ever idle. What we want to know, we want to know for a reason. The reason is that there is a hole, a gap, an empty space in our understanding of things, our mental model of the world. We feel that gap like a hole in a tooth and want to fill it up. It makes us ask How? When? Why? While the gap is there, we are in tension, in suspense. Listen to the anxiety in a person's voice when he says, "This doesn't make sense!" When the gap in our understanding is filled, we feel pleasure, satisfaction, relief. Things make sense again – or at any rate, they make more sense than they did. When we learn in this way, for these reasons, we learn both rapidly and permanently.²³

7.19 John Holt wrote 10 books on education, most of which are still in print. In 1964 'Teach Your Own' was published, a book in which Holt encouraged parents to offer their children a different – and he believed better – kind of education by teaching them at home. However, he continued till the end of his life to speak to teachers and at schools, hoping that some of his thoughts about respecting children would have influence.

John Holt

The human mind is a mystery. To a very large extent it will probably always be so we will never get very far in education until we realise this and give up the delusion that we can know, measure, and control what goes on in children's minds. To know one's own mind is difficult enough.²⁴

²² John Holt, What Do I Do Monday, Ch 14: The Wholeness of Learning, pg 95, American Book-Stratford Press Inc, (1970)

²³ John Holt, How Children Learn, pg 291-2, Pitman Publishing Company, (1967 & 1983)

²⁴ Ibid

7.20 It is important to note that he was not the only educationalist expressing these views. In writing about them he joined the ranks of A.S.Neill, George Dennison, Ivan Illich and others. There are many thinkers who have questioned – and are questioning - the structure of our schools and curricula, including John Taylor Gatto²⁵, Sandra Dodd²⁶, and Roland Meighan²⁷. Roland Meighan has a string of credentials, and is nobody's fool: D.Soc.Sc., Ph.D., B.Sc.(Soc)., L.C.P., Cert.Ed., and Fellow of the Royal Society of Arts, formerly Special Professor of Education at the University of Nottingham. Writing about John Holt's work, he said: ²⁸

There is a terrible irony in re-reading John Holt's message. Most of the bad strategies that he identified... are those which raise children's fears, and produce learning which is fragmented, distorted and short-lived. They have become the basic building blocks of the UK National Curriculum.

7.21 So when home educating parents choose an autonomous approach as the educational philosophy and approach for their children's learning, they are not ignorant or careless or neglectful. And contrary to popular opinion, autonomous education does not mean leaving children to their own devices. Although the children determine their curriculum, the parents are facilitators and supporters of that curriculum.

7.22 Joy Baker was a home educating parent who, in the late 1950's, fell foul of her education authority's perception of a "suitable" education when they deemed her provision to be lacking and issued school attendance orders on her children. In court, Mrs Baker said the following words²⁹:

Joy Baker:

You may say that these children have not had a conventional education or that you do not personally agree with or approve of their education. But that is a matter of opinion, not of law. You may say that they are not being educated in accordance with school methods; but can you say that this education has not been efficient or is not producing a favourable result?
Because these children's absorption of knowledge follows a different pattern to

²⁵ <http://www.johntaylorgatto.com>

²⁶ <http://sandraddodd.com/unschooling.html>

²⁷ <http://edheretics.gn.apc.org/EHT023.htm>

²⁸ Roland Meighan: John Holt: Personalised Learning instead of Uninvited Teaching, pg 2, Educational Heretics Press, 2002

²⁹ Joy Baker: Children in Chancery, pg 131, Hutchinson & Co, 1964

school methods of teaching, and many school subjects are being held back, spread over a different period of time, or approached in a different way for a considered purpose, does this make their education inefficient?

7.23 After many court appearances – and the waste of a great deal of time and money it should be said – in 1962 it was finally agreed that Mrs Baker’s children could be educated at home, in peace.

7.24 In attempting to define the term “suitable” in the context of education, one is left with the uncomfortable understanding that if the learning must suit the learner in terms of age, aptitude and ability, there cannot possibly be just one approach, one curriculum and one context that will suit every child being educated in this country. Rather, there must be freedom to select what is best for each child, and as the major stakeholders in education, families - and the children in those families - need to have the final say as to the content and delivery of a suitable education *for them*.

Reflecting on the case later, **Joy Baker** wrote:³⁰

After all the smoke of the High Court battle had cleared and the sounds of the firing had died away, I surveyed the battlefield behind me, where, I was told, I had made legal history; and where I had won my ten-year fight for the right of a mother to care for her own children – the most fundamental right on earth.

People had often said to me, ‘Doesn’t all this make you feel very important?’ but in fact what impressed me most was the absurdity of its ever having been necessary; the incredible fuss the Education Authorities had made, over just one mother who would not agree with sending her children to school...

...my natural duty as a mother is to do what is best for my children, without regard for any other consideration whatever. No Act of Parliament is capable of deciding the upbringing and destiny of any individual child, and any Act which restricts the natural right of the parent to care for the child is in breach of a higher law than that of Parliament.

³⁰ Ibid, pg 222

7.25 David Gribble wrote a useful book called 'Worlds Apart'³¹ in which he compares and contrasts the fundamental beliefs of traditional teacher led learning and democratic learner directed learning. One thing becomes clear – namely that beliefs about education affect process and practise, as well as the evaluation of the efficacy of that education. Will the LA honestly be able to say that the evaluation of autonomously educated children is fair and without bias? Who is best qualified to determine the suitability of an education? Autonomous educators are fully persuaded that the learners in their care are the best judges of the suitability of their education, and thus they support and respect their choices – and ask their government to do the same.

Alison Tindale

We know we have a duty to make sure that our children receive a suitable, full-time and efficient education either by attending school or otherwise. We accept that it is reasonable for educational authority officials to make enquiries to reassure themselves that we are fulfilling this duty if they have information that causes them to doubt this, and we would be willing to respond appropriately to such enquiries. We also understand that they have a legal right to intervene if it then appears that we are not doing so. We believe they should otherwise trust that we *are* doing so, especially as we believe unnecessary monitoring will interfere with the very education it is trying to monitor.

³¹ David Gribble: Worlds Apart (Libertarian Education, 2006)

8. A Full-Time Education

- 8.1 In Section 7 of the Education Act 1996 we read that the education of a child of compulsory school age should be ‘full-time’. What is the meaning of full-time?
- 8.2 State schools must open for 380 half-day sessions (190 days/38 five-day weeks) in each school year.³² Schools are free to decide the length of individual lessons but current recommendations³³ for the **weekly amount of lesson time in which pupils are formally taught** are as follows: (These figures do not include the statutory act of daily worship, registration or breaks.)

Age	Suggested minimum weekly lesson time (hours)	Minimum daily lesson time in a five-day week in term time
5-7 years old	21.0	4 hours 12 minutes
8-11 years old	23.5	4 hours 42 minutes
12-13 years old	24.0	4 hours 48 minutes
14-16 years old	25.0	5 hours

- 8.3 Full-time education for school children means formally taught lessons for between 4 hours and 12 minutes and 5 hours per day, five days a week, 38 weeks a year.³⁴ It should be noted that these hours are for a classroom setting, where the ratio is about 20:1 – it would take less time to cover the same amount of work in a 1:1 tutorial context.
- 8.4 As any teacher or parent knows, just because a child is “taught” for 25 hours a week does not mean they are actually learning for that amount of time.
- 8.5 The story is very different for children who are unable to attend school because of medical needs (both those who are physically ill or injured and those with mental health problems). In these circumstances, the Local Education Authority has a legal duty to provide suitable education, whether at school or otherwise, for children of compulsory school age under section 19 of the 1996 Education Act.
- 8.6 The Government guidance document “Access to Education for children and young people with medical needs”³⁵ says the LEA should ensure that: “Pupils educated at home receive a *minimum entitlement* of 5 hours teaching per

³² This is consistent with the up to 195 days a year required by a teacher's statutory conditions of service: the additional up to five days are non-teaching work days.

³³ This recommendation was issued by the DCSF in circular 7/90, Management of the school day issued on 4 July 1990.

³⁴ Many schools choose longer hours than these.

³⁵ Document DfES 0732/2001

week. This is a minimum and should be increased where that is necessary to enable a pupil to keep up with their studies. This is particularly important when a pupil is approaching public examinations.”

- 8.7 It would be an interesting exercise to find out how many teaching hours per week are actually provided for each child in these circumstances.
- 8.8 It is more difficult to estimate the number of hours that make up a home educated child’s education because the focus is not on the time spent teaching but rather on what has been learned.

Cathy Koetsier, Hampshire:

It is difficult to estimate the amount of hours in the school year of a home educated child, because so much of the education is informal and unrecorded, even when a structured, pre-planned curriculum is in use. This is because a key facet of home education is discursive, relationship-based learning. The home educated child spends many hours in the company of parents, other adult members of the family, siblings and fellow home educators. All of these hours can be learning hours. And that is without recording the hours that are more traditionally and obviously educational, such as hours spent in organised activities and sports, drama, art and cultural activities, hours spent with tutors, instructors and teachers, hours spent on outings and workshops. Some families get together at regular intervals for co-operative learning experiences; one parent tutoring a group of children in one subject, and another parent tutoring the group in a different subject. In addition, home educators tend to be avid and voracious readers, ploughing their way through hundreds of books in a year. Many are also highly computer literate.

It is therefore safe to conclude that the home educated child is learning for at least 6-8 hours per day, and if one understands learning in the sense that John Holt understood it, namely that learning is something that humans do spontaneously and constantly as naturally as breathing^{36[1]}, then one can subtract sleep hours from the 24 hours in a day and record the rest of the time as full-time education.

If full-time education means the number of hours of teaching as opposed to the number of hours of learning, then there is a wider variation amongst home educators, depending on their educational philosophy and methodology. While many home educators do allocate a core of 3-6 hours per day for schooling, some do more and others do less. Autonomous educators may do 8 hours one day and very little the next, depending on the ebb and flow of the child’s interest and motivation.

The education of home educated children is full-time in a deeper sense, because it is what they do all the time – since there is no distinction between home and school, there is also no real distinction between life and learning.

³⁶ John Holt: Learning All the Time, Perseus Books, 1990

9. Special Educational Needs

- 9.1 Up and down the country, there are examples of schools with excellent facilities for children with Special Educational Needs. And yet many of those children start school in Reception Year full of hopes about the future only to have them dashed because the school cannot cope with their particular problems, be they dyslexia, dyspraxia, Asperger's Syndrome, autism, ADHA³⁷, or physical disabilities.
- 9.2 Mr Badman recognises this and refers to research – for which he gives no references - that point to the many parents who withdraw their children from school, often in despair that their needs were not adequately met in school.
- 9.3 Child protection expert Ben Grey³⁸ is one such parent. He is the father of two sons: an 11-year-old with high functioning autism who is currently being home educated and an 8-year-old who goes to school.

Ben Grey

I write in a personal capacity, and my opinions should not be taken to represent those of my employer in any way. I have not had a part in preparing the document "Right to Reply", or seen its entirety, and these comments should not be taken to indicate any opinion about its contents, beyond what is expressed here.

Speaking personally as a parent of a child with special needs, I would also wish to highlight the number of people home educating their children because of a lack of appropriate provision for special needs, particularly autism (where the spiked developmental profile does not "fit" either mainstream or standard SEN provision). Whilst many parents do home school out of choice, the situation I am describing is not truly "elective home schooling". Informally, our LEA tells us that no local suitable provision exists for our child. Our choice therefore is to put him in inappropriate schooling, where he will not meet his potential, put in a specialised (and expensive) boarding school, or move. Many parents home educate their special needs child (saving the state the huge cost of their specialist provision) because they want to *protect* their child from the bullying, and other challenges they face in inappropriate educational provision. If the Government really wish to address concerns around the vulnerability of children being home educated, then perhaps the first thing to do might be to address the deficiencies in the education system that sometimes leaves parents with little choice.

³⁷ Attention-Deficit Hyperactivity Disorder

³⁸ Mr Grey was also quoted in Chapter 6.

Parents' concerns about the welfare and even safety of their children *at school*, are often justified by their experience of caring for children who have become severely depressed or fearful as a result of their experiences in mainstream schooling. It also suggests that any bandying around of statistics around Local Authority involvement with children who are being home educated needs to be treated with caution, as the complex needs of many children with special needs who are being home schooled needs to be recognised. Parents like us who are home educating a disabled child may *welcome* Local Authority support in this task, but proposals such as these are more likely to frighten parents away rather than create partnership.

9.4 Dr John Ballam³⁹ is head of Director of the Diploma in Creative Writing at Oxford University and a published author. He has three children. The eldest is at a school for the musically gifted and the other two are home educated.

Dr John Ballam, Oxfordshire

We have home-educated all three of our children at some point in their primary years. Our experience is that home education is positively beneficial – our children have what is known as ‘dual exceptionality’; that is, they are at the same time very bright and yet require compensatory education for specific learning difficulties. In addition are they musically talented. Early state primary education simply refused either to acknowledge their needs, or if they accepted they had some specific needs, then they would not provide for them. Home-educating our children allows us to provide the environment and resources they needed to flourish. Initially, this began with a period of **recovery** and a re-building of self-esteem and confidence. Learning that is paced to suit the child provides the opportunities needed to overcome learning difficulties without the humiliation of being singled out as ‘failing’. It also means that information can be provided in formats to suit the child’s learning style so that their engagement and enthusiasm for learning is fostered. Finally, home-education allows children with specific talents time to develop them. Home-educating our children is a positive choice to support them and their specific personal needs.

³⁹ Dr Ballam writes under the name J.D. Ballam. He is best known for his critically-acclaimed autobiography *The Road to Harmony*.

10. Impact Assessment

10.1 There is some dispute about the financial impact of the recommendations in the review. The Government estimates it will cost £21 million to set up the proposed system with on-going costs of £9.7 million a year. Financial analyst Michael Crawshaw estimates that the proposals will cost between £60 million and £500 million to implement.

On 29 June 2009, Lord Lucas asked the Government⁴⁰ whether, as required by the Code of Practice on Consultation, they had published an impact assessment to accompany the "Registration and Monitoring Proposals" in the Badman report. Baroness Delyth Morgan of Drefelin replied:

Baroness Delyth Morgan of Drefelin

"An impact assessment is not required for the consultation at this stage as the proposals are still at an early stage of development. **We do not expect them to place any significant additional burdens on local authorities** as most already monitor home education, and our proposals will provide additional powers that will assist local authorities in dealing more efficiently with the small number of cases where home education does not come up to scratch. If we decide to proceed with legislation we will publish an impact assessment and will place a copy in the Library of the House."

10.2 On 9 October 2009, the DCSF published its full response to the Badman review. It states:

Department for Children Schools and Families

We fully accept that LAs need funding for the costs of registering and monitoring home educated children where these exceed the cost of existing arrangements. At this point, we do not have a reliable estimate of the number of home educated children but we estimate, subject to discussion with the LGA, that costs for the first year will be £21million with additional on-going annual costs for the current cohort of £9.7million. These costs cover initial registration, support to prepare education plans, and initial and annual monitoring. They also take into account LA training costs and the cost of working with local schools and FE institutions to broker support arrangements for home educators, particularly access to examination centres.

⁴⁰ Written Answers and Statements, Hansard HC Deb, 29 June 2009, c6W

- 10.3 Financial analyst and management consultant Michael Crawshaw estimates that the proposals will cost between £60 million and £500 million to implement.
- 10.4 In a report commissioned by the Home Education Advisory Service, Mr Crawshaw said: “New spending will come from three sources: First, a requirement that local education authorities construct a new layer of administration to register, assess and monitor home education.
- 10.5 “Second, the local authorities will also be instructed to pay for some exams and open up school facilities to home educated children; facilities that are already at full stretch. While this aspect of the proposals would be welcomed by home educators it amounts to just 8% of the new spending.
- 10.6 “Finally there will be a rise in the state education population as a number of home educated children are forced into schools.”

11. Human Rights & Civil Liberties

- 11.1 Recommendation 7 in the Badman report gives local authority officers:
- right of access to the homes of home educators
 - the right to speak with each child alone
- 11.2 This autumn, the Government intends to use the Improving Schools and Safeguarding Bill to enshrine these principles in law.
- 11.3 Home educator Cathy Koetsier has had a series of email discussions on these matters with Leendert Van Oostrum. He played an instrumental role in legalising home education in 1996 in South Africa.⁴¹ Paragraphs 11.4 to 11.15 are a crystallisation of those discussions.
- 11.4 The overall impression given in the report is that it proposes, in the case of parents, the reversal of the legal principle that one is assumed to be innocent until proven guilty. The recommendations amount to an assumption that parents are guilty of neglecting and/or abusing their children unless they prove (to the satisfaction of sundry officials) the opposite.
- 11.5 Parliament can adopt laws that reverse the assumption of innocence. However, it is so seriously in conflict with the basis of English law that parliaments have been very careful to avoid this except when there are very grave reasons for it. And then, there must be appropriately strong counterbalancing measures (automatic judicial review, appeal etc.) to prevent abuse of these exceptional powers by officials.
- 11.6 In regard to the rights of children, Mr Badman states in his report⁴²: “The United Nations Convention on the Rights of the Child (UNCRC) gives children and young people over forty substantive rights which include the right to express their views freely, the right to be heard in any legal or administrative matters that affect them and the right to seek, receive and impart information and ideas. Article 12 makes clear the responsibility of signatories to give children a voice: ‘Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child’.”

⁴¹ He also heads the *Pestalozzi Trust, a Legal Defence Fund for home education in South Africa*

⁴² Page 5, paragraph 3.3

- 11.7 But Mr Badman's report ignored the views of home-educated children. Although many children submitted responses to his call for evidence, the report does not contain a single word about the views expressed in those submissions.
- 11.12 The second part of the same article states: "... the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."
- 11.13 The Convention, therefore, provides for a range of options, including one where the child's views are presented by someone representing the child. Mr Badman, however, silences the Convention on this issue, and provides in his proposal for only one option – that the child be interviewed by representatives of the Local Authority.
- 11.14 In addition, his proposals do not provide for children who choose to exercise their right by remaining silent. For the right NOT to express his or her views is an inherent part of the right to do so.
- 11.15 Furthermore, the child also has, in terms of the same Convention (Article 15), the right to free association, which includes the right to dissociation. The child might prefer NOT to associate with a given official, or with any officials, by expressing his or her views to them, while the child might be willing to do so to other persons.
- 11.16 The organisation *Liberty* campaigns to protect basic rights and freedoms through the courts, in Parliament and in the wider community. They do this through a combination of public campaigning, test case litigation, parliamentary lobbying, policy analysis and the provision of free advice and information.
- 11.17 Home educator Dr Kathleen Patrick, from Oxfordshire, wrote to Liberty in the summer expressing her concerns about Recommendation 7. She received a reply from Liberty containing the following information:

Liberty

Liberty is aware of the Review and the recommendations contained within it. We are concerned about Recommendation 7, which suggests that designated local authority officers should have a right of access to the home. The Report contains little explanation of what these home visits will actually entail and why such an intrusive power is necessary. A right of access to the home engages Article 8 of the Human Rights Act 1998 - the right to respect for family and private life. Interference with the right to privacy will only be justified if it can be shown to be necessary and proportionate in all the circumstances.

The Draft Legislative Programme for 2009/10 included the Improving Schools and Safeguarding Children Bill. This will contain provisions for the monitoring of home educated children. If, when this Bill is introduced in Parliament, it includes the recommendation put forward in the Badman Report for local authority officials to have access to the home, we will be lobbying parliamentarians on this and our briefings will be available on our website.

12. Statistical Issues

- 12.1 When Mr Badman released his report at a press conference on 11 June 2009, he told reporters that the law on home educators needed to be tightened up because the number of children “known to social care” among the home education community was “approximately double” that of the general population.
- 12.2 In the report itself, in paragraph 8.12, Mr Badman stated: “the number of children known to children’s social care in some local authorities is disproportionately high relative to the size of their home educating population”.
- 12.3 Some sections of the media took this to mean that home educated children were more at risk of abuse.
- 12.4 Home educators put in several Freedom of Information requests to the DCSF asking for the statistical evidence for these claims. At first, the DCSF refused to release the information on the grounds that attempts were being made to vilify Mr Badman. This left home educators with no way to challenge the figures.
- 12.5 Eventually, a summary of local authority information that had been returned to the Badman Review team was released with an explanatory note dated 20 August 2009 which stated: “It has at this point undergone limited quality assurance and does not meet DCSF standards for publication of statistical data.”
- 2.6 The explanatory note also stated that Mr Badman’s claim in paragraph 8.12 was based on the raw data. As the raw data is not available to the public, home educators have been unable to assess the methodology or carry out their own analysis.
- 2.7 The working paper revealed that two questionnaires had been sent to local education authorities. The first⁴³ was sent to 150⁴⁴ top tier authorities with and had elicited 90 replies. The second⁴⁵ – on which the “known to social care” figures were based – had been sent to the 90 LAs which responded to the first questionnaire. The second questionnaire only elicited 25 responses.

⁴³ This was Mr Badman’s first attempt to gather data.

⁴⁴ There are 152 top tier local authorities but the Isles of Scilly and the City of London have no registered home educators.

⁴⁵ This was Mr Badman’s second attempt to gather data.

- 2.8 The fact that claims that home educated children were more at risk of abuse had been based on a sample of 25 local authorities from a total population of 152 astonished home educators. It seemed to be a very small, self-selecting sample on which to base serious allegations.
- 2.9 In an effort to gain a clear picture of rates of abuse among home educated children, the organisation Action for Home Education (AHED) put in Freedom of Information requests to every local education authority in England.⁴⁶ Using information released by 128 local authorities, AHED's figure for the abuse rate⁴⁷ among home educated children is 0.32 per cent⁴⁸, significantly lower than the rate among all children in England which AHED found to be 1.3%.
- 2.10 Claire Blades was one of many home educators who were unhappy about the way data used in the compilation of the Badman report and the conclusions drawn based on that data.

Claire Blades, Oxfordshire

On 29 July 2009, I wrote to the UK Statistics Authority expressing my concerns. Sir Michael Scholar KCB, Chair of the UK Statistics Authority, wrote back on 26 August 2009 to say: "... as a matter of principle, the Statistics Authority recommends that the supporting statistical evidence for the statements of the kind attributed to Mr. Badman in the media coverage following the publication of the report should be made public..."

Sir Michael sent copies of our correspondence to the National Statistician Dame Karen Dunnell; to the Permanent Secretary at the DCSF David Bell and to the DCSF Head of Profession for Statistics Malcolm Britton.

At some point later, Mr Badman came to the conclusion that his first two sets of data were flawed. On 17 September 2009, he wrote to all local authority Directors of Children's Services to say: "I would like to strengthen my statistical evidence in advance of the Select Committee hearing so that it is more extensive and statistically robust."⁴⁹

⁴⁶ The information they obtained is here:

<http://spreadsheets.google.com/pub?key=rbrk5-GEdrUdcmfi670Mihg>

⁴⁷ Note that this is "abuse rate" not the broader "known to social care".

⁴⁸ There are some problems with the AHEed figures:

(a)The Freedom of Information requests were not all identical. Although they all concerned abuse data, they asked for it in different ways so the figures may not be comparable.

(b)The criteria that Local Authorities use to measure abuse may be different and the ways they gather information may be different so the figures may not be comparable. (Badman would have faced the same issue here.)

(c)They include under 5s in the figures for the population as a whole. So they are not comparing like with like, as the EHE children are all (by definition) over 5.

⁴⁹ We will call this Mr Badman's third attempt to gather data.

He practically begged the Directors of Children's Services to help him 'make the strongest possible case to the Select Committee'.

2.11 On 9 October 2009, Mr Badman wrote to MP Barry Sheerman, chairman of the CSF Select Committee, about his third attempt to gather data from Local Authorities in support of his recommendations. He claimed that it had provided “further evidence on safeguarding and educational issues that affect home educated children”.

2.12 Dr Robert Leese is a Fellow of St Catherine's College, Oxford, where he teaches mathematics (including statistics), and also a Fellow of the Institute of Mathematics and its Applications. He has four children who are educated at home. Here are his comments on the data sent by Mr Badman to Barry Sheerman on 9 October:

Dr Robert Leese

The observations below are made in a personal capacity.

It is remarkable that Mr Badman does not subject any of his data to a statistical analysis, but instead presents the data in its raw form as “further evidence” to support his recommendations. His accompanying commentary is almost entirely a description of the data, and not a statement of conclusions based on analysis of the data. The only place where there is a statement that might be interpreted otherwise is in paragraph 9: “The proportion (of CPPs) for EHE children is approximately double that found in the population of children as a whole”. Even here, it is not clear whether Badman is simply describing the data, or drawing a conclusion about the population at large, based on the data. Either way, any conclusions drawn from the data should be derived from rigorous statistical procedures, and be presented with confidence levels attached. There is no evidence that this has even been attempted.

The following comments can be applied to several of the measures that Mr Badman presents (CPPs, SAOs, NEET rates)⁵⁰, but are presented here with reference to CPPs. In fact, a cursory look at the data suggests that a statistical test would reject the hypothesis that the CPP rate among EHE children is the same as that among all children, in favour of the hypothesis that it is higher. However, before reaching such a conclusion, care must be taken that the data is fit-for-purpose, and there are several aspects in which its use must be approached with extreme caution.

⁵⁰ Child Protection Plans, School Attendance Orders and Not in Employment, Education or Training rates
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1) There is the assumption that the data gathered from the 74 responding LAs constitutes a representative sample of all EHE children. This means that the 74 responding LAs are representative of all 150 and, even more importantly, that the EHE children known to LAs are representative of the EHE community as a whole. In his original report, Badman suggests that the total EHE community may well number 80,000 children, compared to the 20,000 that are estimated to be registered with LAs. The 11,700 in his data gathered from 74 LAs are a subset of the 20,000. Are they really representative of the full 80,000? It seems unlikely. Surely those EHE children who need intervention are more likely to be known to LAs, for example through concerns raised by neighbours or local communities, and therefore registered as EHE, than those who need no intervention. At the very least, because it is generally accepted that most EHE children are not known to LAs, Badman's sample cannot be considered representative.

2) The way in which the data were gathered is itself a matter for concern. Badman made it clear to LAs that he wished to gather data to support his recommendations. Such a statement conditions the responses that will be received, and makes it less likely that LAs will respond when they feel they have little to say that will help the cause. In other words, there must be questions over whether the 74 responding LAs are representative of all 150. Were they self-selecting, in light of the declared points of view that their responses are intended to support?

3) Finally, there is the assumption that the reported instances of CPPs are all independent in a statistical sense. In practice, CPPs will tend to be applied simultaneously to all children in a family, and therefore CPPs applied to individual children, as reported in the Badman data, are not independent of each other. When one is dealing with small percentages (51 EHE children subject to CPPs out of a sample of 11,700) then these effects can be very significant. For the purposes of drawing robust statistical conclusions, data should be used that is based on families, not on individual children.

Summary: The data that purportedly support the Badman recommendations on safeguarding are unsatisfactory on several counts. There are questions over (a) the way in which the data were gathered, (b) the assumptions that underpin their use to draw conclusions about the whole population, and (c) the lack of any evidence of rigorous statistical analysis.

2.14 At the Children, Schools and Families Select Committee hearing on 12 October 2009, Mr Badman stood by his statistical evidence.

13. Initial Reaction to the CSF Select Committee Hearing on 12 October 2009

Home educators across England watched the hearing live on the internet until the video stopped playing unexpectedly in the middle of a speech by Mr Badman. It has been less than 24 hours since that hearing and they have not had time to make a considered response, but here are a few initial observations:

- 13.1 When questioned about children being interviewed alone in their homes, Mr Badman stated that all children would be able to have a supportive adult present. In his report, however, he said this privilege would only be extended to those who were “particularly vulnerable or had communication needs”.
(Recommendation 7, page 18)
- 13.2 It was stated by a member of the Select Committee that the voice of the child was very important. Mr Badman was asked what would happen if a child indicated that they did not want to be interviewed alone. He said that it would have to be established if that was the view of the child or of their parent. He did not go on to say what would happen in the case where it was established that a child did not wish to speak to a local authority official.
- 13.2 Mr Badman was asked for examples of countries where a “light touch” was taken to overseeing home education. He cited Tasmania. In Tasmania, it is a criminal offence not to register.
- 13.4 Asked if any research had been done on socialisation, Mr Badman replied “not to my knowledge”. Dr Paula Rothermel has conducted research in this area which shows good outcomes for home educated children.
- 13.5 The Select Committee asked if there would be an appeals process for any family that was refused registration and banned from home educating. Diana Johnson seemed to indicate that she could not answer that question because the consultation into the Badman report does not end until 19 October 2009. However, there are no questions about appeals in the online consultation.
- 13.6 A member of the Select Committee commented on the numerous cases where home educated children received an excellent education. She said she would like to have seen some of these cases included in Mr Badman’s report to give the report balance.

13.7 An email was discussed that had been sent to a home educator by a local authority indicating that disabled children might have been included in the figures for those children who were “known to social care”. Although the Select Committee members were unaware of it, this email was sent to home educator Tania Berlow by Leicestershire County Council. The circumstances surrounding the sending of this email are as follows:

When it emerged that 25 local authorities had filled in a second in-depth questionnaire for Mr Badman, (see Chapter 12) Ms Berlow put in Freedom of Information requests to those 25 LAs asking for copies of the responses they had sent to the Badman Review team. Having read their responses, Ms Berlow could not tell which figures Mr Badman used in his analysis so she contacted the local authorities in person. In the case of Leicestershire County Council, they stated on the Badman form that there were safeguarding implications for 8.97% of their caseload of 203 children. In an effort to clarify this figure, Ms Berlow contacted the county council by phone and email to ask if it included disabled children. In an email on 9 October 2009 to Ms Berlow, a Leicestershire County Council official said:

Leicestershire County Council

“The '84' children arose from all the data we have ever had and therefore that includes people that are now adults. This could have included involvements for other members of the family, referrals where the outcome was no further action etc.”

The 9% (ie the 8.97% figure rounded up)⁵¹ includes all the children known to social care so if they are known to social care because they are disabled then yes it does include disabled children.

This is the email that was read out at the Select Committee hearing. The significant point is that disabled children were included in the figures of those “known to social care” in the statistics arising from the second, in-depth questionnaire sent out to the 25 local authorities. Since then, Mr Badman has made a third attempt to collect data. He told the Select Committee hearing that he was confident that his new figures did not contain disabled children. However, until last week, it had been thought that the figures in the in-depth questionnaire did not contain disabled children but hours of pain-staking work, phone calls and emails by Ms Berlow revealed that they did.

⁵¹ The phrase in parenthesis was not in the original email and is included by way of explanation.

13.9 Mr Badman did not quote in full the judge in the Harrison case.

He read to the committee the same quote that he wrote in his report: *"...in our judgment "education" demands at least an element of supervision; merely to allow a child to follow its own devices in the hope that it will acquire knowledge by imitation, experiment or experience in its own way and in its own good time is neither systematic nor instructive...such a course would not be education but, at best, childminding."*

(23 Harrison and Harrison v Stevenson (1982) QB (DC) 729/81)

In fact, the judge went onto say.....(the bit Mr Badman always leaves out)
"The appellants' children are, and have been, allowed to follow their own interests and to investigate subjects largely of their own choice without restriction. They have not, however - so we think - been simply left to their own devices. The overwhelming impression left by the evidence is that the children are always engaged in concentrated and creative activity or study, and that idleness or ineffectiveness would simply not be tolerated.

On the evidence, we conclude that, despite the lack of formulation or structure, these children have received and are receiving education capable of informed description as the autonomous method, which can properly be described as systematic and which is certainly "full-time".

Acknowledgements

This report could not have been put together without the help of members of the Badman Review Action Group. Their collective wisdom, enthusiasm for home education and determination to stand up for their children has been inspirational. They have answered endless calls for help – usually late at night - and shared information that they had worked very hard to obtain.

Seventeen-year-old Kerrin, who put together the case for home education from the young people, worked with diligence. She is wise beyond her years.

Special mention must be made of the people who were prepared to put their reputations on the line by contributing to report about which they knew very little: Dr Paula Rothermel, Dr Robert Leese, Ben Grey, Derry Hannam and Dr John Ballam.

Cathy Koetsier stayed up all night with me on Monday 12 October 2009 to ensure that the report was ready in time for the mass lobby.

My husband Nicholas and children Lily and Ethan were unstinting in their support and encouragement of my efforts to set the record straight.

Claire Blades

Appendix

Impact Assessment of the Badman proposals on Elective Home Education (Michael Crawshaw, July 2009)

This report was commissioned by the Home Education Advisory Service.

Its author is a financial analyst and management consultant. He was formerly a Head of Research for Citigroup.

Executive summary

- Minimum cost estimate of £60-150m pa increase in state education spending; arising primarily from a requirement that education authorities put in place a new layer of administration to pull home education under the state umbrella.
- Only 8% of these costs to provide practical support such as paying for exam fees and opening up school facilities to home educated children.
- Central estimate of a £120-300m pa increase in the state education budget.
- Worst case scenario costing over £500m pa if the proposals lead to a virtual extinction of the home educating population and thus a rise in the state education population by approximately 45,000 children.

Three sources of additional cost

The increase in the state education budget derives from three sources.

1. **Monitoring of home educated children.** Additional local education officers will be needed to visit, assess and approve the home education of children. A smaller number of additional education welfare officers will be needed to support them. LEAs will need additional spending to monitor and register home educated children, to establish 'consultative forums' and for new reporting on their home educational efforts to Ofsted and to Child Welfare Trusts.
2. **Support for home education.** The proposals suggest LEAs make provision for home educators to sit exams and use school ICT, sport and other facilities.
3. **An increase in the state education population.** The proposals will lead to fewer children in home education (costs currently born by parent) and more in state education (costs to be born by state).

Three Impact scenarios modelled

1. The first assumes that the Badman proposals have **minimal impact**. They bring about little or no change in home education behaviour and lead to only a 10% drop in the number of home educated children and a consequent 10% rise in the number of state educated children.
2. The '**central**' scenario assumes the Badman proposals have significant impact. Over time they lead to a 40% drop in the home educated population.
3. The '**extinction**' scenario assumes the proposals collapse the home education community with a 90% drop in numbers, leaving perhaps just a handful of diehard home educators struggling to go it alone. This scenario is not as outlandish as might first appear. The home educating community is small (one might think of it as an already endangered species). If the population falls further then it becomes more difficult for parents; to share costs of tutoring, educational visits, social events etc; to find sufficient numbers of children to make classes and events viable; to find other home educating parents with whom to exchange lessons and best practice and from whom to gain emotional support. Home education also becomes more difficult and less attractive for the child as the population falls; fewer home educated friends, fewer social and sporting activities, fewer group classes etc. Negative feedback loops come into play that could rapidly drive the number towards extinction.

Inevitable increase in state educated population

The biggest impact factor will be the rise in the state-educated population. Three new forces drive a decrease in the home educated population and therefore an increase in the numbers receiving a state education.

1. Fewer children will leave school to be home educated. Presently the parent decides whether school is the right educational environment for their child and the parent is allowed by law to take their child out of school simply by giving written notice. Under Badman's proposals the school will decide whether the parent is able to home educate their child. The parent will have to provide 'a clear statement of their educational approach, intent and desired/planned outcomes for the child over the following twelve months'. The planned curriculum will have to be 'broad, balanced, relevant and differentiated'. If the LEA is satisfied then permission will be granted. This raises the barrier (already significant) for a parent to overcome when trying to switch from school to home education. Inevitably some will not be allowed to home educate.
2. More children will be forced to leave home education and go to school. Presently it is the parent's legal responsibility to provide an education for their child (through school or otherwise). Under Badman's proposals this changes. A local education officer would visit all home educators annually to assess 'attainment and progress' against the previously approved plan.

The inspectors will inevitably fail a certain percentage. This is human nature. If you are employed to assess, you have to pass some and fail others. If you don't the conclusion will soon be drawn that either you aren't doing your job properly or you are doing a job that doesn't need doing.

- Although some home-educating parents are relaxed about the new arrangements, the furious response to the proposals suggest a large number are totally opposed to them. They feel demoralised and disempowered by the transfer of responsibility for education from parent to state. The extra red tape will be burdensome and take precious time away from educating the child. The intrusion of often ill-informed bureaucrats will be upsetting for children and parents. Inevitably a number of parents will be de-motivated or find their confidence undermined, others will simply find the change of emphasis and extra burden are too much to take. Home educators find the job tough enough as it is. For some Badman's proposals will be one obstacle too many to overcome. Of their own volition some will give in and send the child to school.

Table1: Estimated cost impact of Badman proposals

Scenarios:	Minimal Impact		Central		Extinction	
Attrition rate in home ed population	10%		40%		90%	
Initial number of HE Children (1)	2000 0	5000 0	20000	5000 0	2000 0	5000 0
Monitoring						
HE population after attrition	1800 0	4500 0	12000	3000 0	2000	5000
new LEA officers (2)	90	225	60	150	10	25
additional cost (£m) (3)	23	56	15	38	3	6
new EWO officers (4)	18	45	12	30	2	5
additional cost (£m) (3)	5	11	3	8	1	1
Other additional LEA costs (£m) (5)	5	13.5	3.6	9.0	0.6	1.5
Total monitoring costs (£m)	32	81	22	54	4	9

Support						
Cost to State of HE exams (£m) (6)	1.0	2.5	0.7	1.7	0.1	0.3
Provision of ICT, sport, other (£m) (7)	3.6	9	2.4	6	0.4	1
Total support costs (£m)	4.6	11.5	3.1	7.7	0.5	1.3
Increase in State Education						
Rise in state school population (8)	2000	5000	8000	2000 0	1800 0	4500 0
additional educational cost (£m) (9)	18	45	72	180	162	405
additional EWOs required (10)	8	20	32	80	72	180
additional EWO costs (£m) (3)	2	5	8	20	18	45
number with special needs (11)	200	500	800	2000	1800	4500
additional cost of special needs (£m) (12)	4	10	16	40	36	90
Additional State Education Costs (£m)	24	60	96	240	216	540
Total Additional Cost to State (£m)	61	153	121	302	220	550

Source: All estimates by M Crawshaw July 2009

Notes and assumptions:

(1) The number of home educated children is unknown. The Badman report suggested a possible range of 20,000 to 50,000 children.

(2) Estimated number of additional local education officers (LEOs) required to cope with the additional bureaucracy and duties involved in monitoring the number of home educated children already visited, and to take cope with new monitoring of those children who do not at present receive a visit by an LEO. The new monitoring proposals are far more onerous than those in place today. Under the Badman proposals the parent will have to produce 'a clear statement of their educational approach, intent and desired/planned outcomes for the child over the following twelve months'. The LEO will have to read this and provide guidance and opportunity to discuss the approach considering among other things whether the planned curriculum will be 'broad, balanced, relevant and differentiated'. S/he will then have to approve or reject each plan. Assuming approval is granted then twelve months later the LEO will have to visit the child and assess 'attainment and progress' against the plan. Approval or otherwise will then need to be given again for the ensuing twelve months. We assume that all LEOs are currently fully employed with existing duties.

We estimate that each officer recruited to manage the new home education workload will be able to approve, visit, assess and report on 200 children per year.

(3) The full costs of each additional LEO would include direct costs of salary, pension, insurance etc. plus indirect expenses such as travel, training, IT, secretarial and other administrative support. An estimated cost of £250k per executive is used. For comparison the Reform group estimate the average cost of a typical quango runs at £370k pa per person employed.

(4) Additional Educational Welfare Officers. There will be greater need for EWOs to become involved when called in by the LEO to assess a home educated child that would otherwise not have been assessed. The vast majority (hopefully all) would prove to be false positives but the extra demand on LEOs would require new appointments. We assume a modest ratio of one new EWO to cover 1000 children.

(5) Additional administrative overlays will be required to meet the following new requirements for LEAs: recording and renewing annually the registration of all home educated children; additional reporting to Children's Trust by LEA on the methods used to support home education; establishment of 'Consultative Forums' for home educating parents; additional reporting to Ofsted of Home Education provision, number of HE children, numbers of school attendance orders and education supervision orders issued; training of 'LEA reps in safeguarding and in the specifics of Home Education and the use of the Common Assessment Framework'. We compare this cost to that of a private exam entrance cost at £120-150 as there are similarities in the administrative burden in terms of recording, registering and reporting. However, given the number of bodies involved and the greater complications versus a simple exam paper, we have estimated the cost at £300 per child per year.

(6) We have assumed the home education population is spread evenly throughout the school years and so around 8% will be sitting exam in the final year. We then assume they sit an average of 7 GCSEs (or equivalents such as BTec) at a cost of £100 per exam. The cost of sitting an exam privately is between £120 and £150. The average could be reduced by allowing some HE children to sit in with school exams where the marginal cost may be as low as £30. However Ed Balls has already accepted that there would be 'difficulties' providing exam access and there are timetabling clashes and other logistical issues that suggest many home educated children will still have to sit exams privately with the state picking up the bill. It is not clear whether the state proposes to (or will eventually be pressured to) pick up the costs of enrichment courses such as DofE, Arts awards, sports qualifications, music tuition etc. For now we have assumed the home educating parent will still be stuck with these.

(7) This proposal has already met with a lukewarm response from the Education Secretary. School gyms and ICT and other equipment are already in full use. As a benchmark the cost for group hire of a sports hall each week works out at around £100 per individual per year. If the school was forced to open it up to home educators it would likely be in after-school hours at a loss of revenue from external hirers of the gym. ICT and other service provision are difficult to quantify but may be attainable through overtime payments and other arrangements. Overall we've assumed a cost of £200 per home educated child pa.

(8) We have not allowed for any home educated children opting for private education as an alternative because this is rarely the route taken at present. Home education is so different to either private or state school education that if the parents are forced to send their child to school they will most likely chose the free option.

(9) Full cost of State Education. In 2008 Daniel Hannan MEP estimated the full cost of a state education at around £9000 per child per year. This figure was derived by dividing the state education budget of £78bn by the number of pupils in state education.

(10) All of those forced back to school or forced to stay against their wishes to be home educated will be at risk of truancy and perhaps other behavioural problems arising from the stress of being forced to school against their and their parents' wishes. We assume just 20% of these require direct EWO involvement and that each officer can handle 50 cases per year.

(11) The Home Education Advisory Service found that 10% of 1700 home educated children with which it had contact had special needs.

(12) In 2007 the audit commission found that the average cost of educating a child with *complex* special needs was £57,150. These complex special needs children need greater ratios of teachers/helpers than the typical special needs child educated within a state school. We estimate the cost at half- i.e. £29K. And so the additional cost on top of the £9k already included would amount to £20k per special needs child.