

# The State: Back Seat Parenting

By  
Mike Wood  
Home education UK  
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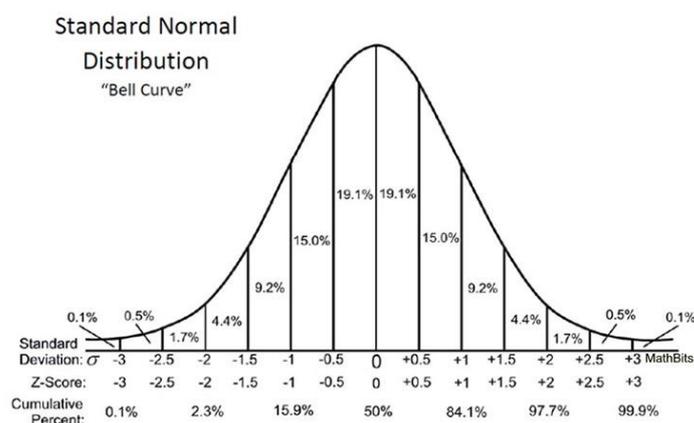


Problems arise when the governments try to micromanage a child's best interests as governments necessarily balance the best interests of the child within a context of what society needs a child to be. Economics, national security, social cohesion and other issues all jostle for a voice in the debate and the true needs of the individual children are lost. They also have to base their judgements on the average child, what children on average need 'in their best interests' to live a fulfilling life. However, the governments idea of 'the child' does not really exist.

Back in the 1940's the US air force famously decided they would measure all their pilots' physiques and came up with an "average pilot", so tall, so broad, with legs and arm so long etc. In fact, they measured 40 variables for over 4,000 pilots. They used this data to come up with a cockpit ideally suited to the average pilot, they could even prove what that was, they had done their research well.

Unfortunately, only about 10% of pilots fitted the new "average" cockpit. Either the legs or the arms or the height of actual real pilots were, literally outside the "acceptable" tolerances allowing the pilot, who was expected to spend many stressful combat hours in his workplace, to do his job without adding to his woes.

One size never fits all, especially when dealing with multiple data points. Someone with average legs may well not have average arms, or height for example. It was Lt. Gilbert S. Daniels who found and systematically proved where the problem lay "there is no average pilot." The solution of course was to fit the cockpit to the pilot by making them adjustable. This is now how all military cockpits are now designed and indeed why car seats are adjustable today<sup>1</sup>. Anyone who has seen a Standard Normal distribution curve could easily have predicted this outcome.



A little while ago a parent was castigated by his local authority because he had chosen Italian as the foreign language his child would study at home. French, he was told had far more speakers and this was why schools taught French. The father pointed out that while French was an admirable language and was indeed spoken by more people than Italian, for a child who was an elite musician, almost certainly with a future in professional music and art, Italian was certainly the way to go, his child, he pointed out was not an average child in that respect. Indeed, looking at all children, almost no children fit a government model of an average child.

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Schools have come up with a somewhat different solution to dealing with the problem of aggregating needs and abilities into a concept of average. It's known as "A broad and balanced curriculum." In this approach the plan is to offer all students a wide range of subjects in the hope that children will find among them, some specialism which will match them with their 'ability, aptitude and special needs.'<sup>ii</sup>

It's a little like firing a selection of sweets out of a shotgun in the hope that each child is able to catch at least one with the flavour s/he prefers. It goes without saying that not all flavours are included since it would be impractical, there are only so many hours in a day and days in a school year. And children can only be expected to take in so much, especially when the school and OFSTED expects them to excel at everything offered, chew through every flavour regardless of preference and regardless of ability, aptitude or Special need.

A question I'm repeatedly asked as a home education advocate by reporters, researchers and those I meet day to day is "How can an untrained parent hope to offer their child a comparable experience to that of school?" To home educators, the answer seems plainly obvious. They cannot and it is not their intention to even attempt to. In fact, the way the law is written it would even be illegal for a parent to attempt this approach<sup>iii</sup>. Parents must by law fit their provision to the needs of their individual children. This means that if little Sam is an ace chess player, it could be argued from law that should the parents decide to ignore that, they are failing in their child's educational provision. If Francis shows an aptitude for languages then not to offer multiple language tuition over a period of time may also be seen, in law, as failing and if Kerry is a natural at higher maths, then not perusing that could well be regarded as a form of parental neglect. Similarly if a child has an SEN his or her education should, by law, be tailored to suit that individual child. Ask most parents of SEN children how their schools manage and what effect it's having on their children and you will soon be appraised of the difference between home and school. It's also how education should be fitted to all children. All children are different in a myriad of different ways leading most people to the conclusion that everyone is different. They learn differently, they express themselves differently, their lives are different and, in this context their interests, abilities and their aptitudes add up to unique educational needs.

There are currently several attempts being made by the state to regulate home education. These are variously based on the idea that parents cannot offer an education equivalent to school. The Children's Commissioner has even gone so far as to say that however bad school is, home education is not the answer (I'll come back to this specific theme later.) While of course, as I have explained, this was never the intention. The current dialogue from the state (DfE, Children's Commissioner and Lord Soley) is that all children should be in school, seen by a professional and an assessment made of their education in the same way as school children are assessed. This will inevitably lead to SAT's being forced upon children at home.

SAT's, of course were originally devised to assess the school not the child, but there's been mission creep to the extent that even the original author of standardised testing, *Frederick J. Kelly*, said "These tests are *too crude* to be used and should be abandoned."<sup>iv</sup> SATs have become high stake tests for the child in school which add to the already toxic experience of many children in school and is likely a significant factor adding to the stress and poor mental health of our youth. One of the worst in the developed world.

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Imagine then the super-high stakes involved when the child being tested is home educated. Parent and child will be clear that the outcome of the test will determine the LA's view of their future right to home educate, not based upon a statistical analysis of many hundreds of children as is the case in school, but from the outcome of just this one child's results. All this regardless of how s/he feels that day, regardless of whether the (untrained) parent has experience and training sufficient to predict and prepare (cram) their one candidate in the way schools do for whole classes. Inevitably the pressure to pass would be overwhelming. This in itself, would seriously and detrimentally affect the outcome. Consider for a moment how the child would feel should the expected, hoped for, outcome not be met, knowing how this was going to affect their lives. There can be no fair test.

The stakes would indeed be huge for the whole family, overwhelming for the child and clearly detrimental to his or her wellbeing. This would be even more true where the child was removed due to serious failings in the school the child previously attended. Consider the child who has been bullied, assaulted, perhaps even raped in school. Or the SEN child who's needs the school has consistently, over a period of years, failed perhaps even in the end been off rolled as a 'too challenging case'.

Even were SAT's not the instrument used to determine suitability, whatever measure adopted would have a similar outcome, traumatising the child and damaging family cohesion (equally damaging to the child) overwhelming family relationships so badly that it's hard to think how they might recover. Family divorces are not uncommon when families are put under this level of extreme stress.

Even were the family to pass the test, their normal flexible studies (chess, languages or maths perhaps) would have to be abandoned for months, perhaps permanently, so the children can be coached and crammed to pass whatever test is applied. Educationalists call this 'teaching to the test'. It's the process, common in the school system, where the curriculum is warped and twisted so that only or largely what is necessary to passing the test is taught. The intention behind the process of testing, to determine whether the child has understood the curriculum in its totality, is lost. Never has the truth of the Observer Effect' been truer.

It is proposed that home educated children whose traumatic experiences in school led them to be home educated in the first place, some so badly they are now symptomatic of PTSD, are to be visited by the very institutions which created their problems in the first place with the intention of assessing their parent's ability to educate them. The irony of this has not escaped the home education community. It is this fact, as much as any other, that has led so many home educating families to reject the very idea outright. In essence, there is an extremely low degree of trust of local authorities by home educators. Especially among those who feel most deeply betrayed.

And none of this takes account of those many home educated children who have SEN's, many undiagnosed. Some local authorities have waiting lists of up to three years. Children with SEN's, often waiting for diagnosis, are unfairly targeted by school's disciplinary regimes, schools unwilling to recognise a child's special needs will happily note the fact that there is no diagnosis and expel the 'challenging' allegedly misbehaving child while they can without being accused of discriminating against sick or disabled children saving the school many thousands in support costs. Home educators rarely blame the head teachers themselves for making these decisions as they are themselves operating in a very hostile environment, but the unfairness, brutality and cruelty, is without doubt contrary to this very real child's best interests.

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Families with children suffering from Asperger Syndrome, school refusal, social anxiety disorder or ADHD, who find school close to or actual torture, and refuse to go, are threatened with fines, often forcing them into the impossible position of giving up work and careers to educate their traumatised children at home. It is these families who are then the target of the authorities as families failing to educate. Rather than offer support and help, they are then too often threatened with fines by the very authorities who have already failed them. They feel hunted and trapped, no surprise then that they are reluctant to re-engage.

A common phrase you hear home educators, particularly mothers say, after their first few months of home educating, is that they have their child back. Flexible home education where the child takes responsibility for herself in concert with the support and facilitation of a loving family, often recover from school and go on to highly successful futures.

Education is primarily a function of parenting. This is the meaning of s7 of the Education Act 1996. It is this section that fundamentally defines the relationship between state and families in the field of education. Parents it says are always responsible, not the state. Even where a child is sent to school, should that school fail the child, it's unlikely to be the school who could be prosecuted, but the way s7 is written, it's the parents who could be prosecuted for their failure of duty, regardless of the fact the child was in school. Where courts make the most draconian rulings, that the parents are incapable of carrying out their educational obligations to the child, the order that takes over this role is known as an Educational Supervision Order.

Such orders give the decision-making powers of the parents, regarding education to a named individual within the local authority, without this order being approved by the courts an LA may not even register a child in school as normally only a parent may do this. So when a family is prosecuted for failing to educate the legal instrument called a School Attendance Order is made which forces the parents to enrol their child in school. Even then, notice, the LA may not do it themselves, only the parents have that power to perform their duty. The parents are always in charge of the education of their children, regardless of setting. The state often couches Home education as a parental right, but it is only a parental right because it is a parental duty. It would be impossible for parents to have a duty to perform without also having the power and right to exercise that duty. Currently there are those, like Lords Soley and Storey who want to 'rebalance' the powers of parents and children by removing or inhibiting the power of parents. What they really mean is remove the parental right to perform their duty to determine the education of their children. Should this happen it seems clear that it would not be the children who would decide (can you imagine the state telling school children they can decide what, how and where they would be educated regardless of what their parents want?) it would be the state. This is nothing less than a state power grab of parental rights, all parent's rights.

Article 1 protocol 2 of the European Convention on Human Rights has two parts. The first part says that No one can be denied an education but the second part states that the form that education takes is the prerogative of the parents with the provisos that it does not cause unreasonable expense for the state and is suitable within the context of a Liberal democracy. English case law rightly goes a little further saying that education must also fit the child's needs within the context in which s/he is living, provided it also allows the child to adapt to other circumstances should s/he so chose.

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The role of the state in parenting, and subsequently education, has always been that of last resort. If this is lost, we fundamentally change the relationship between parents, their children and the state. Parents will by necessity need to beware of the state second guessing each and every decision they make. Very much like a mother estranged from her controlling partner who has been so far content to leave it up to her but reappears every six months or so to challenge every small decision she makes. A register, followed up by regular inspections of education, tips the balance towards the state such that it would so badly weaken the parent's role in determining 'best interests', that our children would effectively be state drones receiving an 'average' education.

Regardless of assurances, mission creep would expand the states interference (as some already believe it has) and parents right to decide how, what and where to teach would be gradually eroded as the state agenda takes control and ever more codified standards based on what their idea of best interests might be are applied.

Rather than parents determining their children's educational needs, education would be mandated by government. Bureaucrats and experts would set the agenda. They, not parents who know their child's individual interests, aptitudes and needs best, living with them as they do in their own homes. Experts it must be remembered who will never meet our particular children will set the agenda for home education inspectors to enforce, without even an interest in their personal circumstances or the context in which they live.

The Children's commissioner's pronouncement that school is always better than home has clearly not read through my inbox of desperate parents begging for help. Children being un-mercilessly bullied to the point of threatening suicide, Parents whose child has been raped by a another pupil, or parents whose children are so stressed they are self-harming or the desperate parents of children with SEN's begging for a diagnosis in local authorities with a three year waiting list who can no longer drag their offspring into school and are being threatened with fines by an uncaring bureaucrat following a procedure. Read these messages and tell me school is always best!

This is not just about home education. Home educators are at the forefront of the struggle to retain the fundamental parental duty to care for our children in the way we believe is right. That is why fighting this is so important.

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<sup>i</sup> <https://blog.fullstory.com/see-beyond-the-average/>

<sup>ii</sup> s7 Education Act 1996

<sup>iii</sup> s7 Education Act 1996

<sup>iv</sup> Earliest found quote found in the Washington Post September 23, 2011, but appears to be widely accepted in official and academic circles.

<sup>v</sup> The Observer Effect is a theory which states that the very act of observation affects that which is observed. [https://en.wikipedia.org/wiki/Observer\\_effect\\_\(physics\)](https://en.wikipedia.org/wiki/Observer_effect_(physics))