

Written evidence submitted by Liz Postlethwaite to The Children's Wellbeing and Schools Bill Committee (CWSB07).

Executive summary

- **Current legislation for local authorities around home education is sufficient in the vast majority of cases. (4 – 5)**
- **Current problems within some local authorities mean that staff are not equipped to provide the support needed particularly for SEN children, or to note and escalate support in cases where there are safeguarding concerns. In practice current safeguarding legislation should be sufficient to protect young people when correctly implemented. (6 – 9)**
- **The information that will be gathered on the home education register should be information that authorities already have if current legislation is correctly implemented. The level of information that it is proposed home education families provide is unrealistic and it is unclear how this information would be stored safely or used, and how it would protect young people (10 – 12)**
- **The information it is proposed that groups would need to provide about home educated children is invasive and shows a lack of understanding how home education works for many families. (13 – 14)**
- **The admin burden on home educating families proposed in the bill would effectively make home education impossible for many families, especially when this education does not look like school at home. (15 – 17)**
- **Changes will disproportionately affect SEN children. The voice of families and children are not heard or valued, and there is a tone that school is always the best place for children (it isn't!) (18 – 22)**
- **Compulsory home visits as an unnecessary invasion of privacy which do not provide additional information when existing legislation is used correctly. (23 – 26)**
- **Legislation will enable home educators to be imprisoned if they do not educate “correctly” but there is nothing included that supports home educating families to log complaints when they are failed by local authorities. (27)**

- **Lack of clarity about how data will be stored and used (28)**
- **Lack of clarity regarding how support for home educators might look and how it would be resourced (29)**
- **The demand for academies to follow the national curriculum will mean regardless of what is suitable for the child, they will have to follow the NC in school. Schools will lose the freedom to adjust what children learn and in the extreme this means schools who follow a unique style of learning (such as Hereford Steiner Academy) will no longer be viable. (30 -32)**
- **Detail is hidden in the bill. And use of jargon makes it hard to navigate what will actually be asked of LA and families (33 – 34)**
- **Current legislation when used correctly is sufficient to safeguard children. This legislation will do nothing to add to that. (35 – 37)**

Context:

1. This evidence is submitted in my capacity as a member of a home educating family. My son who is nine has always been home educated. In choosing to home educate it has allowed my child to have a broad and dynamic range of learning opportunities, and to really connect with our local community through volunteering and participation in activities within walking distance of home.

2. As a home educated child my son is thriving and I continue to believe that this is the best option for our family at the moment. Home education for us is child led, allowing us to develop learning focused around interests that we would like to explore and the skills that are currently useful or resonant to us. In this context my son has an exceptional level of literacy reading at a level far beyond what would be expected of him in school and devouring books. He also has high levels of mathematics skills and critical thinking.

3. At this early stage we have focused upon gently developing these core skills, but as he becomes older there is now a desire to explore wider subject areas in more depth. Whilst this education looks nothing like school, they are receiving a suitable education,

in fact it goes far beyond just being suitable. Notable highlights over recent years include organising a home ed film festival, regular volunteering in a local green space and being central in that space becoming the first nature reserve in our town for over twenty years, achieving Art Award at discover level, and writing a biography of Ray Harryhausen which has been commended by the Ray and Diana Harryhausen foundation.

Current legislation and process

4. At the moment, the government allows EHE teams within the LA to make informal enquiries of us to satisfy their duty of identifying children missing from education. In most LA areas they are satisfied and leave home educators to get on with things. They can escalate to s437(1) and SAO if there are concerns about the education, and refer to children's services if there are safeguarding concerns.

5. There is no support, whether moral, physical or monetary, and this is ok with most home educators, including our family as it allows us to shape an education to meet our own needs as part of a rich local community. I would feel wary that any 'support' would come with strings attached and we would prefer not to have to manage intrusion from untrained LA staff.

Current problems

6. Unfortunately not all LAs currently act within these boundaries. For example within my own local authority staff have been turning up unannounced on doorsteps to talk about home education. For families that I know who have had this experience they are not cases where any safeguarding concerns are known.

7. In other authorities lack of training for LA staff means that there are all manner of issues that arise including a simplistic understanding of different styles of home education, and a lack of training on different SEN needs that children and young people may have. It should be noted that thus far the latter has not been my experience in Bury, where on the whole the approach has been much more sensitive.

8. There is evidence of a number of LAs that misuse the School Attendance Order process to coerce families into complying with

demands that go way beyond their current legal role and lots of evidence of harm being done daily by EHE staff who do not understand or respect home education and its many approaches, especially in relation to children and young people with SEN needs.

9. There is no evidence to support needing to intervene any further than is currently allowed when legislation is applied correctly, alongside other safeguarding procedures which already exist – it is my feeling that in most cases the current structures offer sufficient protection to children and when they are let down it is as a result of insufficient support or implementation, often as a result of the way that services have been decimated by the previous government as a result of austerity measures.

Home education register:

10. The new register proposes to include information LAs already have on their current registers (as schools must provide these details when a child is deregistered to be home educated). This includes the name of any children and the parents, as well as the address and the fact the child is home educated. The proposals for a home education register would require that we, as parents, provide unrealistic information about the hours the learning takes place, the number of hours each person provides the education, websites used, groups attended, and scarily ‘any other information the local authority considers appropriate.’

11. These requirements do not acknowledge the more child led/autonomous styles of learning that the vast majority of home educators use in their learning. The way that learning takes place in our house is rich as it is not so rigidly restricted as it would be within a school setting. Alongside more recognisably educational activities we feel that our child is learning all the time in his interaction with the world around him and this experience would be virtually impossible to capture in the way that is being proposed. This information would be required in addition to the information that is already provided when the EHE team make annual enquiries about the provision.

12. I feel confident that we already make robust plans for and records of our learning, and key milestones, as well as a clear and accessible record that evidences the work that we are doing.

These records are already sufficient to explain how my son is receiving a rich and rounded education, which will leave him well grounded for life as he gets older. Sadly the same is not true for many of his school educated friends.. As you can see, this really should be all that is required to know the child is not missing education.

Information from groups

13. The 'Provision of information to local authorities: education providers' section is concerning, and again shows a lack of understanding of home education from those who wrote it. My children attends a range of home education specific activities such as a nature group, history project group and book club. In addition to this they also go to a range of activities with schooled children such as drama, music and capoeira. We regard all of these activities are part of my child's education.

14. This section infers the LA will require all of these settings to provide them with information about home educated children who attend. In practice I feel that this is a gross invasion of privacy and is totally impractical. I expect some groups of the groups which are more informal will cease to be. And those which are more formal may end access to home educated children, as it is not their responsibility to ensure suitability of the education. I as their parent choose for my child to go there and I ensure the learning is appropriate

Home education being banned by the backdoor –

15 The way the bill is currently worded it would make it difficult for take any approach that is not formal and timetabled, which most home educators do not follow. It would be impossible to quantify our learning that bill suggests in terms of the number of hours my child learns, or who is involved in the learning, or the dozens of websites and resources used each week, or the many groups and activities they attend. I feel confident that I can ensure and report in the way that my child is learning and meeting educational milestones, but not in the way that this bill is proposing.

16. The amount of admin that would be required within the bill is very high, and goes far beyond what records are kept for schooled children. One may also ask what would happen with all of this

information? How would the LAs deal with the paperwork? How would this initial admin identify children whose wellbeing needs to be protected?

17. I am happy to provide the LA with information that explains how the education is suitable to age, ability and aptitude. The details in the register differ from this information, and would require me to take time out from educating my children just to fill in boxes on an unnecessary register. It seems the people who worded the bill do not understand home education nor do they understand the harm the proposals of this bill will cause.

Changes will disproportionately affect SEN children –

18. Deregistration from special school already requires consent from the LA, the proposals include that the LA 'must' refuse if they feel it is not in the child's best interests. Although this would not directly impact upon my family I feel concerned how it will specifically impact and discriminate against SEN children and their families.

19. LAs do not know individual child, so they will be relying on school for any information. This proposal does not allow for the voice of the parent let alone the child to be heard. It does not allow consideration of what the parent has put in place to meet the child's needs. The current system is already misused by schools and LAs with some delaying the decision for up to 18 months!

20. The proposed wording allows this misuse to go much further, resulting in children being forced to stay on school roll even when school can not meet their needs, or is not a safe space, or even because the parent no longer wants the child to attend school because they would like to home educate (home education doesn't have to be a last resort, it is often a willing choice, but this change would disproportionately affect those home educating to protect their child). Expecting the LA to take on responsibility for deciding if something is in the best interests of a child is akin to giving them parental rights.

21. There is an addition that automatically denies requests to home educate again within 6 months of a previous request. What happens if the child's needs or health changes? What happens if school cannot keep the child safe? I imagine parents will have no

option but to keep their child out of school and risk prosecution rather than to risk their child's life.

22. Schools, LAs and the government believe that school is the best place for a child, they might claim to respect the right to choose home education, but many don't! A LA could refuse the request, without just cause, or from ignorance of home education (an issue we already know happens a lot). Please be aware that all of the concerns I am raising are in relation to children where no safeguarding concerns are known.

Compulsory home visits –

23. I feel very concerned about the implications of this. Our home is our family's safe space, and no one should ever have the right of entry unless there are specific, clear reasons why that is necessary.

24. Without careful planning there are many reasons a visit can go wrong, such as bad mannered EHE staff, staff lacking training / sensitivity to individual needs, ignorance to SEN needs, expectations for children to perform, demanding reams of info, disregard for certain styles of home ed etc...

25. The proposed changes include considering the home and learning environment which feels unpalatable when many school buildings locally are in terrible states of repair, and where classrooms are too small to accommodate the numbers of children.

26. I feel that if a family is providing clear evidence of the learning that their child is doing, and there are no safe guarding concerns, that there is no justified reason that LA staff should have access to people's home.

No consequences for LAs but prison for parents? –

27. Organisations exist to support innocent home educators who fall victim to badly behaved LAs but there is no recourse on the LA, no consequences for lying or misrepresenting the law. The new changes would mean far more severe consequences should we fall foul of a court who does not understand home education. The

consequences of failing to provide the unattainable level of info as proposed in the bill that the register will require, could be prison!

Data security

28. I am concerned at how the LA and government will ensure our data is safe. I hear often how LAs misuse or lose data, but this is information about my children, where they go and who they are with, this worries me. What structures would be put in place to ensure that it is kept safely?

Support or is it?

29. There's a whole section in the bill about support, but it doesn't make it a requirement as the LA can deem the request as not '*fit*' to be provided, and there is no government offer of funding to provide any support. Without clear structures and guidelines I do not want the LA to support me especially as many of these staff are ex school teachers who have no specialist experience or training in home education. I feel confident to contact EHE advisors if I need to, but do not feel confident in the advice or support that they might provide.

National Curriculum in academies

30. There is a section demanding academies follow the national curriculum will mean regardless of what is suitable for the child, they will have to follow the NC in school. Schools will lose the freedom to adjust what the children learn and in the extreme this means schools who follow a unique style of learning (such as Hereford Steiner Academy) will no longer be viable.

31. The weaknesses and restrictions of the National Curriculum as previously outlined are one of the main reasons that may family continue to home educate. So long as children meet certain key developmental milestones in terms of learning I can see no reason that all children should have to follow the NC – especially as for many children the NC actually hinders learning! We know that in the UK literacy levels are lower than in other countries as a result of NC focus on reading and writing in reception which is developmentally too early for many children!

32. This bill would force this change through without even knowing the outcome of the curriculum and assessment review! Just as a side note, the NC has nothing to do with the content required to pass GCSEs, as exam boards set their own syllabus so in the longer term I feel confident that not adhering to the NC will not inhibit my child's ability to succeed in higher level exams.

Hiding the detail

33. The bill itself has very little explanation of detail. This detail is found in secondary legislations which can be changed with very little input, discussion or oversight, which can quickly result in serious harm. It also means many explanations are hidden deep inside other documents that on the surface are not linked at all.

34. At the moment EHE teams struggle to understand the Education Act and EHE guidance, how are they going to follow correct process and procedures with the new bill? How will it be funded? How many more staff will be required? Will they be given training? What happens when LAs do harm? Or when they misrepresent their actual duty? Finally as a Parent I feel confused with all the jargon hidden in many documents.

The bill won't protect children

35. The bill does not protect the children it claims to, it does not identify children missing education, and it doesn't safeguard any children. There's no objective evidence to back up the reasons for the proposals.

36. The current laws and guidance are ample, children are known to the LA when they are deregistered from school, they are currently on an informal register and the LA can and do make enquiries about the education. If concerns are known about the child, then the EHE team can take action, as can children's services. There is no serious case review of a harmed child where the child home educated and wasn't known to services. Services failed those children. Innocent families should not be persecuted for those failings. Especially when there is no evidence showing the proposals will protect any child.

37. LAs have the powers already to do something about children who are at risk and / or who are not receiving a suitable education.

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