

Written evidence submitted by Nicola & Nigel Jenkin to The Children's Wellbeing and Schools Bill Committee (CWSB21).

Dear Government Scrutiny Panel,

RE: Comprehensive Analysis and Proposed Amendments to Children's Wellbeing and Schools Bill

We want to start off by giving you a very brief background into our situation and why, if this Bill comes into force as it is currently written, it would have a devastating impact on our family.

We suffered over 10 years of battling with schools and our local authority to try and get the help and support we desperately needed for our 3 children. We were ignored, blamed and left alone until we hit crisis point. It was at this point that we had to pay privately for assessments and discovered our children were Autistic, ADHD and PDA. Our children still did not get the support they needed from their schools or the local authority. It had a huge detrimental effect on their mental health and we felt like we lost them for a while and this is when we decided that enough is enough and deregistered them from their schools to home educate.

Our youngest 2 children are now loving home education, thriving and happy (our eldest is now over school age). We follow a child led education structure which many local authorities do not understand or appreciate. Due to our children being PDA, we have found this approach works really well for them and keeps them engaged in their learning. To give more power to a local authority who have little or no understanding of our children's needs and, have demonstrated over the years, are not willing to listen to us, as their parents, would cause undue distress, trauma and negatively affect our mental health.

FUNDAMENTAL PRINCIPLES AND OVERARCHING CONCERNS

Before addressing specific technical amendments, we must address fundamental concerns about:

1. Constitutional Rights and Equality

- Compliance with Equality Act 2010
- Protection of parental rights and civil liberties
- Children's fundamental right to suitable education
- Prevention of discrimination against home educating families

2. Children's Voice and Wellbeing

- Mandatory consideration of children's opinions
- Protection from institutional trauma
- Safeguarding of children's safe spaces
- Recognition of previous negative experiences with authorities

SPECIFIC TECHNICAL AMENDMENTS

1. Registration Requirements (Pages 48-50, Sections 436B-436C)

Current Text Issues:

- Section 436C(1)(d) requires recording "the amount of time that the child spends receiving education"
- Section 436C(1)(e) demands exhaustive details of educational provision

Proposed Amendment:

Registration shall:

- (a) Utilise existing national identifiers (NHS/NI numbers)
- (b) Require only basic educational approach information
- (c) Respect diverse learning methods including:
 - Child-led learning
 - Autonomous education
 - SEN-adapted approaches
- (d) Minimise administrative burden on families

2. Information from Education Providers (Pages 51-52, Section 436E)

Current Text Issues:

- Section 436E(1)(a) requires excessive reporting
- Potential deterrence of educational opportunities

Proposed Amendment:

Information requirements shall:

- (a) Apply only to formal educational institutions
- (b) Protect informal learning opportunities
- (c) Respect privacy of community groups
- (d) Maintain educational flexibility

3. Local Authority Powers (Pages 45-47, Section 436H)

Current Text Issues:

- Section 436H(2)(c) permits invasive home visits

- No protection for children's private spaces

Proposed Amendments:

Add to Section 436H:

Before any assessment:

- (a) Children's views must be obtained and respected
- (b) SEN-trained staff must be assigned
- (c) Alternative assessment methods must be offered
- (d) Impact assessment on child's wellbeing must be completed
- (e) Previous traumatic experiences must be considered

4. Special Educational Needs Provisions (Pages 60-61, Section 436J)

Current Text Issues:

- Insufficient protection for SEN children
- No requirement for specialist input

Proposed Addition:

Local authorities must:

- (a) Employ SEN-qualified assessors
- (b) Consider individual learning needs
- (c) Respect alternative learning approaches
- (d) Support PDA and other specific needs
- (e) Provide specialist training for staff

5. Data Protection and Security (Page 53, Section 436F)

Current Issues Evidenced By:

- North Tyneside breach (December 2024)
- Leicester City Council cyber attack (March 2024)
- Central Bedfordshire's 450+ breaches (reported April 2024)

Proposed Requirements:

Mandatory security measures including:

- (a) Encrypted databases
- (b) Access controls
- (c) Breach notification procedures
- (d) Compensation framework
- (e) Annual security audits

6. Enforcement and Accountability (Pages 66-67, Section 436P)

Current Imbalance:

- Disproportionate penalties for parents
- Insufficient authority accountability

Proposed Framework:

Balanced accountability system:

- (a) Equal responsibility measures
- (b) Mediation before enforcement
- (c) Protection for genuine mistakes
- (d) Authority failure consequences
- (e) Independent oversight

7. Support Services (Pages 54-55, Section 436G)

Required Additions:

Mandatory support including:

- (a) Exam access arrangements
- (b) Educational resource access
- (c) SEN support services
- (d) Professional development
- (e) Financial support where needed

ADDITIONAL REQUIREMENTS

8. Consultation Process

Mandatory consultation with:

- (a) SEN specialists
- (b) Home education experts
- (c) Children and young people
- (d) Parent representatives

9. Implementation Safeguards

Regular review of:

- (a) Impact on vulnerable groups
- (b) Educational outcomes
- (c) Family wellbeing
- (d) Authority compliance

10. Rights Protection

Explicit protection of:

- (a) Educational diversity
- (b) Family privacy
- (c) Children's wellbeing
- (d) Parental choice

CONCLUSION

This Bill requires substantial amendment to:

1. Protect rather than restrict educational freedom
2. Support rather than burden families
3. Safeguard rather than compromise privacy
4. Enable rather than obstruct diverse education
5. Account for rather than ignore children's voices

The current draft risks:

- Causing trauma to vulnerable children
- Creating unnecessary administrative burden
- Compromising educational freedom
- Discriminating against home educators
- Shifting blame for institutional failings

We strongly urge the panel to consider these amendments as essential to creating legislation that genuinely serves children's interests while respecting family rights and educational freedom.

Yours faithfully, Nicola & Nigel Jenkin.

January 2025.