

Written evidence submitted by Christopher Smith to The Children's Wellbeing and Schools Bill Committee (CWSB25).

Children's Wellbeing and Schools Bill – A Home Educator's Concerns

Personal Introduction

I am a home educator of approximately 1.5 years. I first deregistered our eldest child following many years of difficulties with their mental health and bullying. Our child was self-harming and experiencing suicidal ideation at the age of 10, of which the school were aware, but weren't equipped to support. Since deregistration, our child has made substantial progress in both their education and mental health, to the point that their former teachers and headteacher have commented on the perceivable difference. Much of this progress has been made due to the flexible nature of home education, flexibility which is set to be stifled by this bill, in its current form.

Summary

I have some serious concerns that the Children's Wellbeing and Schools Bill is set to hinder the education of many home educated children, in particular SEND children, and result in school attendance orders being issued where they are not appropriate or in the best interests of the child.

I urge you to listen to, and work with, home educators in an effort to ensure the safety of all children, while protecting home education in all its forms.

I have set out below my specific concerns in relation to the following clauses in the bill:

- Clause 24 – Local authority consent for withdrawal of certain children from school
- Clause 25 – Registration
- Clause 26 – School attendance orders

Clause 24 – Local authority consent for withdrawal of certain children from school

434A(6)(b)(i)

1. There are no clear criteria to determine whether home education would be in the child's best interests. This leaves the section open to interpretation, and will likely lead to this section being enforced disproportionately by different local authorities.
2. Additionally, without a clear framework for assessing the best interests of the child, we could see SEND children unduly distressed by being forced to stay in a school that is not necessarily meeting their needs.

Clause 25 – Registration

436C(1)(d) – The register is to contain the number of hours the child spends receiving education

3. For some families – in particular, SEND families – the hours spent receiving education is going to be extremely difficult, and in some cases, impossible to quantify. Being able to quantify the number of hours the child spends receiving education is not a reliable standard by which the education should be measured, and being unable to report the number of hours the child spends receiving education does not necessarily mean that the child is not receiving a suitable education. Additionally, the bill doesn't clearly define receiving education, once again leaving this open to the interpretation of the local authority. Education takes many

different forms, and it is vital that the different forms of home education are equally recognised and protected.

4. This section has the potential to disproportionately impact SEND children and children with fluctuating health conditions, who are unable to learn in a structured manner, to a prescribed timetable. Many SEND parents have spent a lot of time and effort working out how to adapt the education to their child's individual needs, and this also may take a form that doesn't align with what the bill classes as receiving education – although there isn't a clear definition of what the bill considers receiving education. Introducing legislation which requires reporting of time spent receiving education will likely lead to SEND families being issued with a school attendance order, which may be unnecessarily distressing to the most vulnerable children that it is intended to protect.
5. There is already a system in place requiring parents to report to their local authority, detailing educational provision and progress made in the last year, accounting for age, aptitude, ability and special needs. This system is currently used to assess the suitability of the education provision, and is a much more reliable standard against which to measure the education being received than the number of hours spent receiving education.
6. Additionally, an hour of home education cannot be equated to an hour of school education. Many home educated children will have an education that is tailored to their particular needs and learning style, along with 1:1 (or near 1:1) support.

436C(1)(e) – Details of non-parents educating a child

7. The bill doesn't clearly define what it deems as receiving education or how it is deemed that a person is educating a child, which consequently makes it difficult for a parent to know whose details should be provided, and whose shouldn't.
8. Secondly, and more importantly, requiring personal information from a non-parent who is providing education is likely to be seen as unnecessarily intrusive, and would potentially have a negative impact on the number of educational opportunities available to home educated children. Any person participating in the education of home educated children, either as part of a programme for home educated children, as part of any other scheme, or one-to-one, may find this an intrusion on their privacy and refuse to assist home educated children.
9. Additionally, this information is not necessary in the vast majority of cases, especially if the parent is able to show that progress is being made in the relevant fields.

436C(3) – Registers can contain any other information a local authority deems appropriate

10. Specifying that the register may contain any other information the local authority considers appropriate is a particularly worrying statement.
11. It is not made clear that there are any boundaries as to what can and cannot be deemed appropriate. Local authorities have already been known to step outside of their remit, and demand information that they are legally not entitled to, or to insist that they automatically have a legal right to enter the child's home. This has then also led to punitive school attendance order proceedings being started by local authorities, which have not been upheld, but have caused undue distress to the very children they are supposed to protect. Some local authorities have proven that they aren't aware of, or don't pay attention to the current home education legislation, and to allow them to legally demand any information that they deem appropriate, without any clear boundaries, is irresponsible and is likely to result in children being forced into schools that are not equipped to meet their needs.

436E – Provision of data to local authorities: education providers

12. The requirement of education providers to disclose additional information pertaining to the education of home educated children is, generally, likely to negatively impact the number of opportunities open to them.
13. There are likely to be people who are providing some form of education to home educated children, particularly those who provide education to a combination of home educated and non-home educated children, who may not be open to the additional administrative burden. A burden that would require that they keep track of which children are home-educated, how many hours they provide education to those children, and for how many hours each child's parent is present or involved in the education.
14. In addition to this, there is also the threat that they may face a monetary penalty if they do not satisfactorily respond to notice from the local authority.
15. For these reasons, we may see a decline in the number of educational opportunities open to home educated children, and for those that remain, we may see an increase in demand and cost connected to both the scarcity of places and the additional administrative burden on the provider.
16. Once again, much of this section relies on what the bill defines as receiving education as this has not been clearly defined, and can vary greatly between children, accounting for their individual needs.

436E(2)(b) – Information required when a non-parent provides education over a prescribed amount of time.

17. The section does not adequately define the prescribed amount of time, and as mentioned in section 436C(1)(d), some families – disproportionately SEND families – are going to struggle to be able to quantify the total amount of time spent receiving education as they may not be able to educate to a defined timetable or in a manner replicative of a school classroom. Without being able to define a total amount of time spent receiving education, it is going to be difficult to apportion a particular percentage of that time to any particular education provider. Section (iii) also allows the prescribed amount of time to be defined, literally, in any other way, and, in effect, appears to negate (i) and (ii).
18. As mentioned previously, there is already a framework in place for reporting the progress a child makes in home education, which gives a lot more information about the child's education than the number of hours spent receiving the education.

Clause 26 – School attendance orders

436I(2)(c) – Home visits to be taken into account when considering a school attendance order

19. This point is particularly concerning. For a number of SEND families, their home is their safe space, and having effective strangers enter can be a particularly distressful experience. For cases where there are safeguarding concerns, social services already have a framework by which they can access a child's home. It is unclear as to what benefit there could possibly be to allowing this, particularly given that local authority home education staff may not be trained in safeguarding of children.
20. To state that a refusal to allow a local authority access to a child's home must be taken into consideration when deciding to issue a school attendance order is, effectively, legitimising the strong-arming of parents into allowing local authorities to enter their safe space.

21. If there are safeguarding concerns regarding a home educated child, the appropriate course of action would surely be to utilise the existing social services safeguarding framework and processes.

Conclusion

22. I personally do not object to the creation of a register of home educated children, or a unique identification number. There are already effective registers with all local authorities, with a very small minority of children not on local authority registers – typically those who have never been registered at a school – and I do not see an issue with this being expanded to include the very few children not currently on a register.
23. The issues instead are with the proposed content of the register, the amount of the bill that is left open to interpretation, and its reliance upon local authorities exercising restraint when making their enquiries. It would be prudent to reduce the amount of information the bill currently calls for in the registers, placing more of a focus on the progress a child makes, relevant to their age, aptitude, ability and special needs, and to also place clear boundaries on information which local authorities are allowed to request.
24. I acknowledge that the home education portions of the bill have been created with good intentions, but they also appear to have been drafted without consultation with home educators themselves. These measures in the bill are unlikely to deliver the positive outcomes that they are intended to deliver, and only serve to make home education more difficult and result in school attendance orders when a suitable education is being provided, but doesn't meet an arbitrarily-decided standard.

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