

Written evidence submitted by Zoe Richards to The Children's Wellbeing and Schools Bill Committee (CWSB29)

Executive Summary

- Having spent a lot of time and effort to develop a good relationship with my local authority, I believe the Bill will damage this by giving LAs powers to undermine parents' decisions and lead to a breakdown of trust.
- A consistent identifier for children could be used to discriminate and increase the risk of data breaches.
- Issuing parents with a formal notice to satisfy because of enquiries under section 47 of the Children Act 1989 is going too far as most do not result in child protection plans.
- The amount of data parents will be required to provide is excessive and time consuming; their time is better spent in their children's actual education.
- The support with exams that parents actually need is not mentioned in the Bill.
- Families should not have what amount to mandatory home visits solely because they home educate.

Submission

1. I have spent considerable time and effort over the last 2 years initiating and developing a mutually respectful relationship between my local authority and home educating community. I have concerns that this Bill will not only make it harder for parents to provide an education that is suited to their child's individual needs, but also damage relationships between LAs and parents.
2. In my local authority 2 years ago there was no relationship between the Elective Home Education Team and parents. Services were contracted out to an adjoining Council and most parents had had no contact or support for several years. There were cases of doorstepping and the personal biases of staff affecting decisions about the suitability of education. Now the situation is very different, with an in-house team of staff, regular Council/Parent Forum meetings, 2-way conversations about improving practices, useful information for parents on services and educational opportunities. It has taken time to build trust among parents that the local authority will not overstep the government guidance and actually respect and support their decision, made in their child's best interests, to home educate.
3. Parts of this Bill will give local authorities the power to undermine parents in their decisions on what is in the best interests of their child. This will damage the often delicate relationship, and instead of helping with children's wellbeing will cause conflict and a breakdown of the trust and respect that has been so carefully developed. Please find below comments on specific parts of the Bill.
4. Page 7 line 18. '16LB **Consistent identifiers for children**
The plan to issue every child with an ID number is concerning. Although couched in terms of safeguarding and making it easier to track children across different agencies, it feels like an

authoritarian power grab - ID cards for all by the backdoor. How will the information kept on the child be used and how long for? Will it extend into adulthood and be used by employers to see records of a person's conduct in school? There are so many ways this could be abused and used to discriminate, not to mention the risk of data breaches which occur frequently in local authorities and public bodies.

5. Page 45 line 32 to page 46. '434A Local authority consent for withdrawal of certain children from school(4) *Condition B is that a local authority in England is (a) **conducting enquiries under section 47 of the Children Act 1989 (duty to investigate)** in respect of the child.'*

If a child is under a Child Protection Plan then clearly this is needed, but not just when enquiries under section 47 are being made, because the majority of these enquiries do not result in a CPP. Home educated families are more likely to be referred to Social Services than those with children at school, because of a lack of understanding of home education among those doing the referrals, and the conflation of home education and safeguarding risks, which was very apparent in the debate following the Second Reading of the Bill. Yet they are no more likely to end up with a CPP so a formal notice to satisfy that education is suitable on this basis goes too far. It will put parents in a very stressful situation and put a strain on their relationship with the local authority.

6. Page 39 line 14 '436C *Content and maintenance of registers (1) (d) **the amount of time that the child spends receiving education from each parent of the child, (e) if the child receives education from a person other than their parent— (i) the names and addresses of any individuals and organisations involved in providing that education, (ii) a description of the type of each provider named under sub-paragraph (i), (iii) the postal address of each place where that education is provided (where different from the address in sub-paragraph (iv) the total amount of time that the child spends receiving that education and the amount of time the child spends receiving that education without any parent of the child being actively involved in the tuition or supervision of the child.'***

This is an awful lot of information and makes the administrative requirement for parents very time consuming. Some families use a lot of different providers who frequently change, due to their child's changing and diverse needs. It's not clear whether a provider is just someone who provides regular education, through for example an online course, or the provider of a one-off workshop, or organisations which run sports activities in the evenings, which home educating families would consider as contributing to education. This needs to be clarified in the actual Bill and not left to guidance which individual LAs could interpret differently.

7. Page 50 line 42 '(3) *A register under section 436B may also contain any other information the local authority considers appropriate.'*

Local authorities should not be allowed to collect any data they want, as there's potential for them to collect details which could be used to discriminate against families. The Bill needs to be clear about exactly what they can ask for and be the minimum necessary for them to fulfil their role. Consistency is needed because there are 152 LAs who could all be asking for different things. There's also a data

protection issue if LAs are going to be holding all this information about us - for example, if both parents' addresses are kept there's potential for breaches, like where someone who has experienced domestic violence has their address given to the other parent who is the perpetrator.

8. Page 51 line 19 '436D Provision of information to local authorities: parents

(1) A parent of a child who is eligible to be registered by a local authority in England under section 436B must (b) **inform the authority of a change, of which the parent is aware**, to any of the information required to be included in the register under section 436C(1).' (the time period for informing the local authority is 15 days).'

The amount of time parents and other providers spend educating a child can change from week to week so this is a particularly onerous reporting requirement which will take time away from the parent actually educating their child.

9. Page 53 line 3 '436E Provision of information to local authorities (by education providers)

There is a risk that providers will find this takes too much time and resources and they may then decide it is too difficult to provide services to home educated children, or increase the cost. This means fewer opportunities and a negative impact on their education.

10. Page 55 line 1 '436G Support

The main area of support that home educating parents need is help with exams – low cost or no fees and access to exam centres which will take them as candidates. The current support from local authorities is very varied in terms of quality and quantity across England, and most offer just information and signposting. The best advice and guidance is that from local home ed communities, where experienced parents have much better knowledge and understanding of EHE than most LA staff, who often have a school teaching background. What we need from the government and local authorities is material help with exams.

11. Page 58 line 4 'A local authority in England must serve a preliminary notice on a child's parent in relation to a child ... Condition B is that (a) the local authority or another local authority is (i) **conducting enquiries in respect of the child under section 47 of the Children Act 1989** (duty to investigate).'

As explained above, there is no problem with this if the child is subject to a CPP, but formal notice to satisfy goes too far. A parent could be required to satisfy where education is not in question but a s47 investigation is in place for unrelated reasons e.g. domestic violence.

12. Page 59 line 26 '(ii) it is in the best interests of the child to receive education otherwise than by regular attendance at school, in a case where condition B is cited in the notice.'

My understanding is that parents have the right and duty to decide what is in the best interests of their child. There is potential here for local authority staff who believe all children should be in school to serve a SAO on a parent who is providing a suitable education, as they think it is in the child's best interest.

13. Page 59 line 37 '(c) may request the child's parent on whom the preliminary notice has been served under section 436H to allow the local authority to visit the child inside any of the homes in which the child lives. (3) If a request under subsection (2)(c) is refused by the person to whom it is made, the local authority must consider that to be a relevant factor in deciding whether the child's parent has failed to satisfy the local authority as mentioned in subsection'

This is the part of the Bill that I have the greatest concerns about. It states the LA may request a home visit, but as a refusal will mean the LA is required to consider that as a reason to issue a SAO then it is in fact mandatory. Despite a good report on the content of the education and no other concerns, a LA could deem the education unsuitable because we exercised our right to privacy in our own home.

14. There seems to be the belief that LAs are benign and wouldn't cross the line to impinge on the human rights of law abiding HE families. Although a good LA would not use it in this way, there are many example every day in the national home ed groups of LAs overstepping their current duties, and giving them this new power will give them even more opportunities.

15. How will an LA judge if the home environment is suitable? Where are the criteria they will use? There must be set criteria otherwise personal prejudice could come into play, but then by applying criteria you're telling people how to live in their own homes, which is state control.

Will the staff be trained in how to do this? Most LA EHE staff are not qualified or trained in home ed or social work. This will be left wide open to interpretation and abuse by LAs.

For many children who have SEN or school-based trauma, a home visit by a person in authority would cause huge distress and anxiety, perhaps undoing improvements in mental health from not being in school.

If there are concerns about childrens' home environments, then why does the Bill not bring in checks for school children in the holidays, or children who are not yet CSA?

16. This Bill is not based on evidence, which shows that home educated children are not at greater risk than children in school. It introduces reporting requirements that are over the top and onerous, undermines the right of parents to decide their child's best interests, lacks any mention of the type of support actually needed and asked for by parents, and allows the invasion of the privacy of family homes.

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