

1 **Written evidence submitted by Cheryl Moy to The Children's**  
2 **Wellbeing and Schools Bill Committee (CWSB30)**

3 I was a home educator of 3 children for 16 years. I am also the creator and a volunteer  
4 with the UK home education service Educational Freedom which I have done for nearly  
5 12 years, with 4 years experience before that in home education support groups. I have  
6 my own personal experience as well as professional experience from supporting  
7 hundreds of thousands of home educators. My experience is unparalleled. I hope my  
8 insight is valuable to you. This is my personal submission.

9 A new register which includes home educators is not required. Home educators are on  
10 a register with their LA as soon as they deregister from school. Local Authorities can  
11 conduct informal enquiries often on an annual basis. From these enquiries the LA is  
12 able to establish the education is suitable. The bill appears to expect informal enquiries  
13 plus information gathering for the register. This is an unnecessary burden on the home  
14 educator and the LA. With no benefit to either party. Current legislation provides ample  
15 opportunity for the LA to take action should concerns become known about the  
16 suitability of the education, including serving a s437(1) and SAO if necessary. Changing  
17 the s437(1) and SAO process is unnecessary as the current system works well.

18 If concerns about the safety of a child become known, a referral can be made to  
19 children's services. Being home educated does not stop a referral being made, or an  
20 assessment taking place. There is no evidence to suggest a single home educated child  
21 was abused, neglected or harmed where other services did not already have concerns  
22 or involvement. Current legislation was not used correctly. The proposed register would  
23 not have changed the outcome of children subject to serious case reviews. I am aware  
24 that the DfE believes the bill will protect children, and will not cause harm to home  
25 educators. Unfortunately the wording, and expectations will not protect any children and  
26 will be misused by LAs, causing harm to home educated children.

27 LAs will use the bill as a means of controlling home educators more than they already  
28 do. Unfortunately many LAs do not act within the law or in the best interests of home  
29 educated children. Many LAs show unfair bias with regards to the style of learning,  
30 religion, country of birth or even postcode and many other 'reasons'. Current legislation  
31 works well when used correctly and focus should be on ensuring LAs comply with this,  
32 rather than complicating their role. And adding burdensome requests of home  
33 educators.

34 Any content of the bill that is kept, should not rely on secondary legislation to provide  
35 clarification and should not be ambiguous to prevent misuse.

36 I fully support finding children who are missing education, those being harmed, or  
37 neglected. It is important that no child is harmed through negligence of agencies.  
38 Unfortunately this bill offers no protection for any of these children and does nothing to  
39 ensure services utilise legislation to protect children. Children known as home educated  
40 and in receipt of a suitable education should not be included in this bill.

41 Specific wording and sections of the proposed bill to remove/change:

42 *Children not in school. 24 Local authority consent for withdrawal of certain children from*  
43 *school. 436A*

44 *Pg46 Line 34 (i)* Local Authorities do not know what is in the child's best interests. LAs  
45 already have the overarching opinion that school is the best place for every child.  
46 How can they make such a decision without bias? This also, in effect, gives the LA  
47 parental duties. It is also not clear who will be making these decisions within the LA?  
48 Special school deregistration is usually because the school is unable to meet the child's  
49 needs, even when the EHCP claims the school can meet the needs. All too often  
50 schools admit to parents that the EHCP has the details wrong and they can not meet  
51 the child's needs. Or the school claims to be meeting the needs but is not.

52 This would be problematic for families who are on CP for issues not relating to their  
53 parenting or the home. Many CP cases are due to external issues, problems within  
54 school and similar, in these situations the family wishes to deregister to protect their  
55 child. Social workers receive no training about home education, they do not understand  
56 it, with many of them thinking it is illegal. Many cause issues for families who do not  
57 have timetables or structured school type learning (as evidenced in the 2024  
58 Educational Freedom research). This lack of knowledge often results in dangerous  
59 advice and attempts to coerce the child back to school. Some going so far as to bring  
60 police to the home to scare the child to go back to school. I understand a need for  
61 protection of children where the CP case is relating to a parent they live with, or the  
62 home environment. But there is current legislation in place for emergency education  
63 orders, or SAO if the education is not suitable.

64 This section should be removed or would need careful rewording, to ensure parents  
65 wanting to protect their child, or choose an alternative style of learning are not unfairly  
66 affected. Leaving the LA the ability to deem what is in the child's best interests is far too  
67 easy to be misused.

68 *Page 46 Line 36 (ii)* the parent does not have to have suitable arrangements, this is not  
69 always possible or appropriate to home education, they should however, as is currently  
70 the requirement, be able to meet the child's SEN, thus fulfilling the LA duty to ensure  
71 SEN are met.

72 The current process for deregistration from special school is more than adequate when  
73 followed properly.

74 The LA to 'must refuse consent' is open to misuse and confusion, it will leave children in  
75 dangerous school settings, with SEN not being met, and their education suffering. This  
76 should be removed, or worded inline with current legislation that the parent should  
77 provide information about how they will meet the child's SEN.

78 *Pg 47 line 1 (8)(b)* needs much clearer exceptions, many schools currently disregard  
79 domestic abuse cases where one parent has informed the school to no longer share  
80 information with the other parent. They divulge addresses, and details that endanger the  
81 child and parent. Not all parents inform school that the other parent is no longer  
82 involved/a danger, therefore this should be made clear that it is expected the situation  
83 be discussed with the primary parent, to ensure sharing of data with the other parent is  
84 safe to do so.

85 *Pg 47 line 37* This automatically denies new deregistration requests within 6 months of  
86 previously being denied. This is dangerous due to children's needs always changing  
87 and family circumstances changing. This could leave children in a school that can not  
88 meet the child's needs, or in a school no longer suitable for other reasons. Every  
89 request should be given due time and consideration therefore this section should be  
90 removed.

91 *Section 25 Registration – 436B Duty to register children not in school*

92 Ideally a register that includes home educated children will be scrapped entirely, it is  
93 wholly unnecessary as LAs already keep lists of home educated children. And this  
94 register does nothing to identify children missing education.

95 *Pg47 line 21 (a)* home educated children are in receipt of education therefore not in the  
96 scope of a children not in education register, the EHE team have the remit to make  
97 enquiries of those families, and can take steps if concerns about the wellbeing or  
98 education of the child become known. EHE children are already on EHE registers within  
99 EHE departments. Including home educated children is wholly unnecessary.

100 *Pg 47 Line 23 (b)* children registered in school are the responsibility of the school, it is  
101 for the school and parents to agree or disagree if the child receives some or all of the  
102 education off site, the current legislation prescribes the rules for this. I shall not include  
103 these children in my later discussions as I wish to focus on the impact to home  
104 educators. But this will affect the freedom of flexischoolers, as parents and schools will  
105 find it very difficult to provide the required information later in the bill. Schools should be  
106 gathering information about the child's education offsite NOT the LA.

107 *436C Content and maintenance of registers*

108 *Pg 49 line 16* LAs already have this information about home educated children  
109 deregistered from school.

110 *Pg 49 line 17* LAs already have this information about home educated children  
111 deregistered from school. There needs to be safety mechanisms in place to ensure it is  
112 suitable to store non resident parent's details.

113 *Pg49 line 18* LAs already have this information about home educated children  
114 deregistered from school.

115 *Pg 49 line 20* Home education is usually seen as taking place during all waking hours, it  
116 is impossible for most home educators to quantify the hours learning takes place. For  
117 example a semi structured or an autonomous style of learning could take place at the  
118 breakfast table, in the bath, on walks, late in an evening, or without a parent at all, such  
119 as an older teen who learns independently. Most home educating parents do not teach  
120 as this section implies, they provide what the child needs to learn, for many this is  
121 independent. The child learns with friends, at groups, alone or with the parent. Hours  
122 can not be quantified; this section should be removed as details of how the education is  
123 full time is already provided during LA informal enquiries.

124 *Pg49 Line 24 through to line 31* This will be impossible to provide for most home  
125 educators. Home education is rarely timetabled and structured to the extent where this  
126 level of detail is possible to gain.

127 A home educated child in any given day could learn from the postman, the librarian, a  
128 shop worker, a museum worker, grandad and neighbour etc, they are all part of the  
129 education, to require such detailed information could result in dozens of peoples details  
130 given on a daily basis, or could result in adults refusing to engage with home educated  
131 children at all. To require details of organisations limits the flexibility of home education,  
132 for example a home educator may take part in 20 or more events and organisations in a  
133 week, it depends what is available and what is suitable, this level of detail would require  
134 considerable time from the parent, and LA. It appears home education and its many  
135 approaches have been misunderstood by the author of this bill. The current proposals  
136 would in effect ban most styles of home education and leave a large number of children  
137 being forced to return to school despite the education being suitable and being in the  
138 child's best interests. As previously mentioned, LAs can enquire about the education,  
139 parents will provide information in a way that demonstrates a suitable education for their  
140 child. Every parent's response will be different. This section should be removed.

141 *Pg49 Line 30* If this refers to every educational website a home educated child  
142 accesses it could be 100's of sites per week, it depends what the child is learning at that

143 time. What constitutes education being provided? Would this include youtube tutorials?  
144 Websites like interhigh? Or just websites where the child engages with a tutor that the  
145 parent has employed? It is impossible for most home educators to provide this level of  
146 detail. This section should be removed.

147 *Pg 49 Line 32* This is impossible to expect a home educated parent to provide and  
148 shows a lack of understanding of the many styles of home education. Currently the LA  
149 are able to ask how the education is full time as this is a more suitable method of  
150 understanding how much of the child's time is educational. Very few would be able to  
151 provide a breakdown of the total amount of time spent learning. Home educators do not  
152 receive education, they learn, in many ways. In whatever way a parent facilitates the  
153 education, it is a legal requirement for it to be suitable for the child, the LA EHE team  
154 have the ability to take action if they do not believe the education is full time or suitable.

155 *Pg50 Line 10* Most EHE teams currently check for previous or current involvement from  
156 children's services, however, many home educators are subject to malicious referrals  
157 which result in CIN due to the social worker's misunderstanding of home education. It  
158 needs to be made clear that social workers can not use home education as a reason to  
159 instigate investigations and previously closed cases without any actual concerns should  
160 be ignored by the LA.

161 *Pg50 line 42* This should be removed. There is considerable evidence of LAs  
162 overstepping and making up their own rules, of issuing s437(1) and SAOs to force  
163 compliance etc, allowing them to make up their own criteria is dangerous. Extremely  
164 dangerous. They could, and will, misuse this to harm home educators. If a register is  
165 necessary, which I do not think it is, it should have clear restrictions on the information  
166 required across all LAs, leaving no room for misuse and harm.

167 *Pg51 line 10* How will data be protected? Currently LAs divulge information to absent  
168 parents, to schools long after deregistration and other outside agencies. What about  
169 other businesses? and services? Will there be an opt in situation so parents choose if  
170 their data is shared? This section needs to be clearer on data protection.

171 *436D Provision of information to local authorities: parents*

172 *Pg51 line 20* It should not be on a parent to make themselves known to the LA.  
173 Especially when there is no benefit to being registered. Which parent is responsible?  
174 Would both parents have to provide information? Would parents be required to provide  
175 details every time they use a new tutor, website or group for example? The parent  
176 would spend more time updating the register than educating their child!

177 *Pg51 Line 26* Is this just the resident parent? Or are both parents to provide the  
178 information separately if living together or apart?

179 *Pg 51 Line 28* What will be in place to prevent the LA from making requests too often?  
180 What stops an overzealous and badly behaved LA using this as a way to ask for  
181 monthly updates? If the ridiculous amount of data is still going to be required from  
182 previous sections this will be extremely time consuming communication for both parties.  
183 Will parents have to inform the LA every time they go to a new group or class, or trial a  
184 new website?

185 *Pg 51 line 39.* 15 days is not always possible or a suitable time frame. Many home  
186 educators travel around the UK or abroad and do not have access to their mail for  
187 prolonged periods of time. They are focused on providing a suitable education for their  
188 child. Restricting their educational methods in case the LA makes demands to update  
189 the register is not acceptable.

190 *436E Provision of information to local authorities: education providers Page 52*

191 This note relates to most of 436E as a whole.

192 All groups and activities that a home educated child attends (in person or virtually) are  
193 out of school activities and educational. Line 23

194 There is no clarification on what 'structured' education means here. Structured learning  
195 within home education has very different meanings to different families and different  
196 EHE staff. Line 30

197 This could be a park meet with 12 year olds where one parent stays but the children  
198 carry out a treasure hunt, a home education group with arts and crafts planned at a  
199 parent's house where 5 children are friends and parents do not stay except the  
200 homeowner. It could mean a music lesson organised by a music tutor for a small  
201 number of home educated children at the tutors home. It could mean a museum trip  
202 with a scheduled talk from a historian. It could mean Scouts which home educators  
203 consider educational, swimming lessons, a library event etc. This section does not allow  
204 for the many styles of learning. And offers no clarification on what is deemed out of  
205 school structured education.

206 The burdensome information from the person 'providing' the education (line 41) could  
207 result in many groups, classes and educational outings being made unavailable to  
208 home educators. Many out of school activities do not differentiate between a schooled  
209 child and a home educated child, especially when carried out in an evening, weekend or  
210 school holiday. Requiring this level of detail from these adults could prevent home  
211 educators from accessing these sessions.

212 This section should be removed, if kept it should not rely on secondary legislation to  
213 clarify who it refers to.

214 *436F Use of information in the register*  
215 *Pg54 line 21-30* Unfortunately the information to be contained in the register is open to  
216 misinterpretation, and bias. If a family is moving home to move away from an LA who  
217 does not respect certain styles of learning, or is xenophobic, or otherwise causing harm  
218 to the family (as is seen in many LA areas currently), the opinions and bias of the LA  
219 could follow them to the new LA. Restrictions on the data being gathered should ensure  
220 only factual information provided by the parent is included. Though as there is no  
221 benefit to being on a register I do not believe families should have to be known to their  
222 LA at all. A register is not required,

223 *436G Support Pg55 line 1 - 5* Currently LAs push school centric 'support' regardless of  
224 the style that best suits the child. If a family chooses not to follow through with the  
225 advice given by the LA it is often seen that the LA takes offence and uses it against the  
226 family. Advice and information currently given is usually out of date, not respectful of all  
227 styles of home education, inaccurate, some outright lie, others hide their bias behind  
228 misquoted legalities, all under the guise of advice.

229 What measures will ensure the advice is accurate and suitable to the child? Will it  
230 include links to multiple home education support services as currently very few provide  
231 anything meaningful?

232 Will the LA have the time to produce this support and advice?

233 Will they have the relevant training to give none school based information?

234 Will they receive training in all styles of SEN as the advice being sought could be  
235 related to SEN?

236 Will there be financial aid for exams?

237 *Pg 55 line 6 -10* I have the same concerns as above for line 1-5.

238 However, the wording 'the local authority considers fit' will mean the majority of LAs  
239 refuse to provide what is being requested. If support is important to the government  
240 then this should be clear on what they must provide if it is asked for. There should be  
241 protections in place that support and advice should be accurate and not come with  
242 strings attached, or risk to the home educator.

### 243 *SCHEDULE 31A*

#### 244 *Section 436E FAILURE TO PROVIDE INFORMATION UNDER SECTION 436E:* 245 *MONETARY PENALTIES*

246 *Pg56 line 5* This section is reliant on the parent providing ridiculously extensive  
247 information that many will not be able to provide, this will mean fines and prison for  
248 wanting to educate their child in a way that suits the child but means being unable to  
249 provide the lengthy information this bill expects. This addition to legislation is  
250 unnecessary and confusing. A register is not required.

251 *Pg56 Line 15* refers to 'a parent', this needs to be clarified, is only one parent required  
252 to provide the information for the child, or will both (or more) be required to submit  
253 individual accounts for the register, will both/all parents be served under this section?

254 *Enforcement*

255 *Pg57 line 30* This could result in imprisonment for parents unable to provide the  
256 extensive information the proposed register includes.

257 *436H Preliminary notice for school attendance order*

258 *Pg58 line 5* Current s437(1) duties are adequate and suitable when it appears a child's  
259 education is not suitable.

260 Being able to force a child to school regardless of the reasons for a child protection  
261 investigation is dangerous. The s47 could be because of problems within school, or an  
262 incident outside of the home. A blanket policy is not appropriate. Current legislation  
263 allows for education orders to be sought if the s47 warrants the child to be in school.

264 *Pg58 Line 10* The current s437(1) formal notice to satisfy is adequate if concerns about  
265 the education become known. Failing to be able to provide the lengthy and detailed  
266 information the register requires is not the fault of the parent or child, the register is  
267 flawed. If no concerns about the education are known a preliminary notice is not a  
268 suitable action.

269 *Pg58 Line 13* With regards to (a) conditions C and D do not relate to suitability of  
270 education, they relate to the register which has no consideration of the suitability of the  
271 educational provision. The two are distinctly different types of information. A parent  
272 could have already satisfied the LA informal enquiries carried out in accordance with the  
273 EHE guidance 2019, but may not be able to provide the necessary information for the  
274 register. Would this mean not requiring to provide the information for the register if the  
275 home education is deemed suitable?

276 *Pg58 Line 16* Regarding (b) who is to determine what is in the best interests of a child?  
277 Local authorities already publicly state that school is the best place for a child. With  
278 some LAs actively harassing home educators to send their children to school despite  
279 the learning being suitable. This section should not be in the bill at all. Current  
280 legislation allows for education orders if the child is not safe at home during the day.  
281 And legislation allows for SAO if the home education is not suitable.

282 *436I School attendance orders*

283 *Pg59 line 33* This would be impossible for parents and LA, many home educated  
284 children are educated in dozens of places each week. Would this include the park,  
285 meeting at friends houses to learn together, small classes at home ed group, museum



286 meet ups etc? Would it include scouts, dancing etc? Baking with the elderly neighbour  
287 or reading at nan's house? Some children do very little learning at home, instead they  
288 are travelling, with friends, at home education groups, etc. Some children do all of their  
289 learning at home. What ever their style of learning this is not acceptable. Current  
290 legislation allows social workers the opportunity to assess the home if concerns about  
291 the child's wellbeing are known.

292 *Pg59 Line 38* The home is not to be considered an educational setting, it is home and  
293 therefore access should be the choice of the parent. Visiting a child's home because  
294 the LA does not like the style of learning, or some other bias (as is currently rife) or the  
295 parent was unable to provide the ridiculous details for the register is not acceptable.  
296 Allowing the LA entry into a parent and child's home is disrespectful, ignores the right to  
297 privacy, and could cause trauma for the parent or child.

298 LAs currently misuse existing legislation to attempt to coerce families into letting them  
299 into the home, these visits often go badly, I personally support with dozens of situations  
300 each week where the LA has treated the parent or child badly, refused to leave, been  
301 disrespectful, shouted at the child, demanded the child perform, made children's  
302 services referrals for malicious reasons. The list is endless I am afraid. And allowing the  
303 LA to 'consider' the home and other educational settings, will mean an unprecedented  
304 amount of harm. Especially in the LAs that currently abuse the SAO system to force  
305 compliance.

306 Whilst I expect this section to be removed, I ask how much would this cost? More than  
307 1200 SAOs were served 2023-2024, this is as high as 14% of home educators in one  
308 LA with 263 SAO being served in that one LA (according to FOI figures). How will the  
309 LA find time to do home visits? Will extra training be given to staff to ensure they  
310 understand home education and all of its styles? Will they receive training on all types of  
311 SEN and disabilities? What will the consequences be for LAs that misuse this power?

312 *Pg59 Line 42* This is open to misuse, as already mentioned. Current legislation allows  
313 safeguarding concerns to be considered by a social worker and therefore home visits  
314 with regards to home education are wholly unnecessary and will be misused. Choosing  
315 to protect your child's safe space will be used against families, too much trust is being  
316 given to the LA to make the right decision, when many have a track record of doing  
317 harm. The home educator may have nothing to hide but with 100's of families treated  
318 badly each week by LAs, we have everything to protect.

319 *436K School nomination notice for school attendance order*

320 *Pg62 line 11* Instead of the adequate informal opportunity to address concerns using  
321 s437(1) notice to satisfy and then SAO, the proposal is a preliminary notice, a school  
322 nomination notice then an SAO? This is unnecessarily complicated. And will result in  
323 LAs not understanding the process, they still don't use the current legislation properly.

324 And parents will, for the most part, not understand this complicated process. This section  
325 should be removed.

326 *436O Revocation of school attendance order on request*

327 *Pg65 Line 35 to pg66 line 3* Whilst on the surface this allows parents to provide the LA  
328 with information about the suitability of the education, and/or how it is in the best  
329 interests of the child to stay home educated, where are the assurances that LAs will  
330 take note (as many currently do not), and respect the parent's knowledge of what is  
331 suitable for the child?

332 *Page 66 line 10* refers to raising questions with the Secretary of State, it then says the  
333 SoS will refer back to the LA. This is no protection!

334 Unfortunately because of the section 436P now carrying a heavier punishment for failing  
335 to abide by an SAO (even if it is unnecessary and/or malicious) home educators will be  
336 less likely to allow the situation to go to court to fight it (which many win on the grounds  
337 of a suitable education being in place despite the claims from the LA), this will mean  
338 many children put into school despite it not being suitable or appropriate for the child.  
339 This section and previous, refer to a parent. Where is the clarification on which parent or  
340 parents would be served and possibly prosecuted? Where are the assurances that  
341 estranged parents will not be notified about the situation?

342 *436P Offence of failure to comply with school attendance order*

343 *Pg 67 line 26* Whilst on the surface this seems reasonable, due to the increase in fines  
344 and possible imprisonment, fewer families will take the risk to allow a court to overrule  
345 the SAO served by an LA. Many LAs serve SAOs for nefarious reasons, with evidence  
346 some use them to force compliance with ultra vires rules, currently if you are providing a  
347 suitable education but the LA refuses to accept that then you can go to court, and show  
348 a court the education is suitable. The current risk to the parent is minimal, with the  
349 worse case being the SAO is enforced and the parent fined. Changing this will not mean  
350 any more children are protected than now, but will mean innocent families suffer.

351 *Pg67 line20* Far too excessive, as the goal is for a child missing education to be in  
352 school. And will prevent innocent families feeling able to take their situation to court.

353 ***January 2025***