

Written evidence submitted by Gemma to The Children's Wellbeing and Schools Bill Committee (CWSB34)

I am writing as a mother to a SEN child, my child is aged 11, he is autistic, has adhd, sensory processing disorder, dyspraxia and hyper mobility.

My child struggles greatly at his current school and I am currently fighting for a place at an SEN school after a professional occupational therapist recommended that my child needs a specialist setting with smaller class sizes and lots of sensory provision.

Currently, my choice of setting (specialist) have come back to say they can't meet his needs along with two other schools also.

My son will NOT cope in a mainstream

Secondary school (he is currently in year 6) even with the highest support possible, so this may mean I have to home educate my son who, to be honest will be much happier where I can fully support his needs and adapt to his way of learning which will also in turn help with his mental health as my son is unhappy in school and I don't even think he can go into school much longer.

My son has been seen by camhs due to his mental health caused by the school system and them not meeting his full needs.

Camhs also were not much help as is usually the case in autistic children and teens trying to access help from camhs.

I would like to raise some points please.

1. There is no requirement for a home education register at all as LAs already have a register.
2. The proposed register does not include children missing education, so will do nothing to protect those children. Children deregistered from school are already known to the LA, already on their registers. The LA can make enquiries about the education and can serve a notice 437(1) and ultimately SAO if concerns about the education are known, they can also refer to children's services (social workers) if they have safeguarding concerns. If children are currently lost or fall in cracks then that is a failure of professionals to use existing legislation.
3. The proposed register requires an unattainable level of detail from home educators that it in effect bans styles of learning that are not fully timetabled school at home, a lot of home educators adapt to children's learning just as they are supposed to in a school environment if written into a child's ehcp, Sadly that is not the case in a lot of schools, I have been fighting for years to get the school to follow my my sons ehcp which is a legally binding document.
4. Section 24 expects LAs to refuse consent to deregister if there is a child protection case, or assessment in process. This would be problematic for families who are on CP for issues not relating to their parenting or the home, for instance if I was to access services voluntarily such as a children's disability social worker which is what I am entitled to and was suggested this by a doctor to help me because the current

school are not meeting my child's needs leaving him not wanting to go into school to see if they could help me and make the school meet my sons needs in his ehcp. It also expects LAs to refuse de registration from special school if the LA determines it not to be in the best interests of the child. This could be misused by schools providing the LA with incorrect information. The LA does not know the child best, so this section really needs rewording to protect all children and address each situation individually. This could in turn cause children with disabilities such as autism like my own son to suffer drastically with their mental health and self harm or even worse going being forced back into an environment that is not good for their mental health.

5. s24 12 automatically denies new de registration requests within 6 months of previously being denied. This is dangerous due to children's needs always changing and family circumstances changing. This should really be removed.

6. I would hope section 24 be removed entirely. Current legislation allows LAs and SS to access emergency rulings to protect children they determine to be at risk therefore these extra restrictions are not required.

436C part 1

The details required from home educators is excessive.

a) and b) is information the school already passes on to the LA on deregistration.

d) is not quantifiable in hours as home education is flexible

e) is absolutely not possible for the majority of home educators, and will mean many styles of home education will not be possible as they can not provide this level of detail. Part (iv) or e) will affect home educating individuals who arrange drop off sessions for children at an activity/event, they would probably stop organising valuable events.

Part 2

k) any other information should be written into the bill, not be added at a later stage in secondary legislation.

Part 3.

LAs should absolutely not be allowed to add in their own criteria. They already misuse their duty, this would cause chaos and massive overstepping, if a register must be in place then the criteria should be uniform across all LAs.

436D

1 b) does this mean both parents need to provide the info?

2 a) the LA should not be allowed the freedom to ask for the info whenever they want, this needs limiting or the bad LAs will do it far too often.

b) they can not realistically expect home educators to update the LA every time they use a new group, website, tutor, etc. this is unrealistic information.

436E

1 a) and b)

plus 3 a) and b)

The required information from unspecified groups will lead to groups refusing to accept home educators, will swimming lessons, language group lessons organised by a parent, scouts, home ed group outings to museums etc be included? This is too vague and open to an unattainable amount of information. Not all groups know a child is home educated as it is not a criteria to be known in afterschool and weekend groups.

436 F

3 open to misuse

5 is open to misuse and harm to families leaving badly behaved LA areas. The register allows bias and opinion which could then follow the family to the new LA.

436 G

1 allows the LA to provide inaccurate information as that is what they currently do, some outright lie, others hide their bias behind misquoted legalities, all under the guise of advice. Some LAs turn nasty if you do not follow their advice regardless of it not being suitable.

What measures will ensure the advice is accurate and suitable to the child? Will it include links to multiple home education support services?

2 Leaving support to the LA seeing fit to give will mean most LAs will offer nothing. And same concerns for 1 above

Schedule 31A

Whole section is reliant on the parent providing ridiculously extensive information that many will not be able to provide, this will mean fines and prison (7) for wanting to educate their child in a way that suits the child but means being unable to provide the lengthy information this bill expects.

436H

A replacement for 437(1) notice to satisfy.

5 c) why are the LA to decide what is in the best interests of the child?

6 If the parent is unable to provide the ridiculous amount of information on the register, despite no concerns being raised about the education, is not appropriate.

436 I

2 a) and c) will be misused and misquoted to force home visits before SAO is even considered, this happens already.

What happens if a home visit could be harmful to the child, eg if the child is autistic. The home should be the child's safe space.

What training will the visiting person have?

Can this be legal? Only a person with a warrant has right of entry to the home.

3 choosing to protect your child and their safe space will be used against families, too much trust in the LA making the right decision is given. May have nothing to hide but with 100's of families treated badly each week by LAs, you have everything to protect.

My LA is Cheshire west and chester which is currently one of the worst LAs in the country for SEN children and have been in lots of recent news due to parents fighting back.

436k

An unnecessary addition to the existing 437(1) and SAO process, the complicated proposed processes will confuse LAs and home educators alike, the existing processes are more than adequate.

436P

8 VERY concerning as things stand many LAs serve SAOs for nefarious reasons, with evidence some use them to force compliance with ultra vires rules, currently if you are providing a suitable education but the LA refuses to accept that then you can go to court, and show a court the education is suitable. The risk is minimal, with the SAO being enforced and the parent fined as the worst case scenario.

This proposed section increases the penalty meaning fewer families will risk going to court even if the education is suitable! What is to stop LAs misusing this further?

I really hope something can be done and changes made to this new bill around home education.

The little girl Sara sharif was FAILED by social services and family courts, she was sadly murdered by her own father in august which would of been the school holidays if she was in school still, this has nothing to do with the home education community, the authority's that failed this child need to be held accountable for the poor child's sad death that could of been prevented if social services acted when the school reported concerns to them.

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