

Written evidence submitted by Charlotte Deakin (CWSB39)

Children's Wellbeing and Schools Bill

Introduction

I am a home-educating parent of almost two years. I am interested in this bill as my family and many other home-educating families will be directly and adversely affected by the proposals in this draft bill. We have been home-educating after both mainstream and specialist education provisions in schools failed to meet our children's needs. We now have happy and healthy children who are flourishing in home education and are aware of the importance of protecting our rights and those of other families of disabled and SEND children who may also end up in similar circumstances to our family.

Executive Summary

In this submission, I will cover the following:

Submission - Areas of Concern - a look at the chief areas of concern in this Bill from the perspective of a home educator. These concerns include:

- Section 25 of the Bill - Register
- Privacy & Data Protection
- The undermining of parental rights in their child's education & the impact on SEND families.

Recommendations

Conclusion

Submission - Areas of Concern Surrounding the Bill

1. Section 25 – Register

1.1 There is no requirement for a home education register as all local authorities already have a register of all children who deregister from a school. The proposed register in this bill does not include children missing education, so will do nothing to protect those children. Children deregistered from school are already known to the local authority. Local authorities can already make enquiries about the education of all the electively home-educated children on their register. They can serve a notice 437(1) and ultimately School Attendance Orders if they have concerns about the education of the child. Local authorities can also refer to children's services (social workers) if they have safeguarding concerns. If children are currently lost or 'fall through the cracks' then that is a failure of Children's Social Services and council professionals to use existing legislation.

1.2 *Provision of information to local authorities.* The proposed register requires an unattainable level of detail from home educators that will impact the quality of the provision if parents have to spend hours of the day detailing every educational activity, educational experience, piece of work, visit etc. This also has the potential to allow council workers to prioritise certain learning styles or pedagogy over others.

This would directly and negatively impact SEND children who often require a tailored and practical and fluctuating daily approach to their education due to varying SEND needs; which is their right under the Education Act 1996 requires parents to ensure their children 'receive a full-time education that is suitable for their age, abilities, and needs.'

- 1.3 **436C- Content of Register.** This would require parents to report every online educational video the child watches, every webinar, every online provider of resources, the address to the woodland in which they attend a forest school, or a nature social home education group meeting, every library visit, every museum visit, the address of every activity online or in person. Are we really expected to give daily updates including the full address of the BBC if our children use the BBC Bitesize website to research a project they are working on? For scouts or brownies or swim lessons. If this was purely about children's well-being why is this level of data not to be collected on all children including children in school?
- 1.4 **Provision of information to local authorities (by education providers)** . This provision will place a burden on all providers which will likely lead to the withdrawal of services to home-educating families. This could result in the local leisure centres refusing swim lessons to home-educated children, and organisations like Brownies and Scouts refusing home-educated children due to the admin costs of providing data to the local authority in the timescales stated. This will cause more harm and cause discrimination to home-educating families. It will also create more data than local authorities can effectively and securely manage.

2. Privacy & Data Protection

- 2.1 **Consistent identifiers for children.** This is extremely concerning due to the frequency of data breaches and the lack of resources and secure GDPR databases the local authorities hold. Previous attempts of children's track and trace systems have been found to be unacceptable (Contact Point and the Supreme Court finding in respect of Children and Young People (Scotland) Act 2014). This section holds significant risk to family rights and privacy.

3. The undermining of parental rights in their child's education & Impact on SEND families

- 3.1 Page 46 line 34 '*(b) must refuse consent if the local authority considers (i)that it would be in the child's best interests to receive education by regular attendance at school & 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.*

This undermines parental choice, input, experience, advocacy and knowledge of their child and their needs. This could result in children being forced to stay in environments where their needs are not met or where they may not feel or be safe. Environments where SEND children have been subject to abuse in special and

mainstream schools by untrained and uncaring staff unable to manage or help SEND children. This could have dire consequences for the many children on CAMHS waiting lists who are suffering from mental health and depression. The children who are so miserable in school that they would rather end their own lives than spend another day in school waiting for years for CAMHS to support them or for the local authority to find them a school placement that helps that child.

3.2 Home Visits

Page 59 line 37 . This infringes on parental rights and the right to privacy in the family home. Home visits by local authority officers, who lack the training of a social worker or police officer or have education training, SEND training, home education pedagogy or mental health is unwarranted. This could be used as a threat to force children back into the school system. This will cause more undue stress, trauma and discomfort for both parents and children, particularly those with SEN or mental health challenges. Existing safeguarding processes already grant social services the authority to assess homes when needed, making the new powers in this bill unnecessary and open to potential misuse. The fact that declining the request for a home visit in this bill leads to a duty on the authority to consider that as a cause to serve a school attendance order makes it effectively mandatory. Families have a right to privacy of their homes and this takes away that privacy, invading family rights.

Recommendations for Further Action

A full and comprehensive consultation with the home education community and SEND families. I recommend the committee consult with experts in children's mental health, educational law, SEND law, and home education; such as Dr Naomi Fisher, Michael Charles, Jenn Hodge and Education Otherwise before releasing the next draft.

Conclusion

This bill will harm more children than it will help and is discriminatory to home-educating communities and SEND families, more effort must be made to consult and listen to the communities this will affect and the legislation should not be open to misuse and misinterpretation.

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