

# **Written evidence submitted by Leonie Lawson to The Children's Wellbeing and Schools Bill Committee (CWSB66)**

## **Introduction**

I am an educator and parent with over 13 years of leadership experience in further and higher education institutions, alongside extensive professional involvement in the veterinary industry. I am also a home educator and have seen the transformative benefits of a tailored, learner-centred approach to education for my eight-year-old daughter. This submission outlines my significant concerns about the Children's Wellbeing and Schools Bill and its potential to restrict educational freedom, compromise family privacy, and diminish parental rights, while failing to address broader systemic issues within the school system.

Home education allows us to design a flexible and personalised learning experience that reflects my daughter's interests, pace, and needs. Unlike traditional schooling or a "school at home" model, our approach is responsive and varied, blending structured activities with autonomous exploration. Our education includes real-world learning opportunities that develop critical thinking, creativity, and problem-solving skills in an organic and engaging way.

Travel is an integral part of her education, offering invaluable cultural exposure and broadening her understanding of the world. Whether participating in local educational events, attending workshops, or experiencing new cultures and environments abroad, her learning extends beyond textbooks and classrooms, fostering a deeper connection to her studies.

The West Suffolk home education community plays a vital role in supporting our educational journey. It provides opportunities for collaboration with other families, access to diverse resources, and participation in group activities and social events. This vibrant network enriches her education, ensuring she benefits from a supportive, interactive, and social environment alongside the personalised learning we provide at home.

However, the Children's Wellbeing and Schools Bill jeopardises the freedom and adaptability that make home education so impactful. By introducing restrictive measures and intrusive oversight, the Bill risks imposing unnecessary constraints on families who have chosen this educational path, threatening the individualised approach that is fundamental to home education.

## **Executive Summary**

This submission highlights critical concerns regarding the Children's Wellbeing and Schools Bill, focusing on its impact on privacy, parental responsibility, discrimination against home-educating families, and the lack of oversight mechanisms. Below is a summary of the key points and recommendations for amendments:

### ***Key Concerns***

#### **Privacy and Data Protection**

- The Bill's provisions for data collection and sharing go beyond safeguarding purposes, compromising family privacy and introducing unnecessary risks.
- Requirements for consistent child identifiers and broad local authority discretion in data collection are overly intrusive and prone to misuse.

#### **Erosion of Parental Responsibility**

- The Bill shifts decision-making authority from parents to local authorities, undermining the legal primacy of parents in determining their child's best interests.
- Provisions requiring local authority consent for withdrawing children from school during investigations are excessive and unjustified.

#### **Discrimination Against Home-Educating Families**

- Home-educating families face disproportionate scrutiny, including mandatory reporting of minor changes in educational arrangements, invasive home visits, and penalties for non-compliance.
- These requirements treat home-educating families as inherently suspicious, despite no evidence that home education poses higher safeguarding risks.

#### **Lack of Oversight and Recourse**

The Bill grants sweeping powers to local authorities without establishing clear checks, balances, or accessible mechanisms for families to challenge unreasonable decisions.

## Submission:

1. The Children's Wellbeing and Schools Bill raises several critical issues that threaten the educational freedom, privacy, and rights of home-educating families. Below are the main areas of concern:

### Privacy and Data Protection

2. The Bill's data-sharing provisions and the introduction of consistent child identifiers pose a significant risk to family privacy. Historical examples and recent incidents highlight the dangers of centralised data collection systems.
3. Evidence shows that public sector organisations have been prone to significant data breaches. For example, between 2020 and 2021, 40% of the 777 incidents recorded by the National Cyber Security Centre (NCSC) affected public sector bodies<sup>1</sup>. The defunct Contact Point system serves as a cautionary tale, where efforts to centralise data on children were deemed invasive and eventually abandoned due to widespread privacy concerns.

Specifically:

4. **Page 7, Line 18 (Section 16LB):** The introduction of "consistent identifiers for children" duplicates existing mechanisms like National Insurance numbers. This raises privacy concerns without clear justification for an additional register.
5. **Proposed Amendment:** Remove this provision. If existing identifiers are sufficient, a separate home education register is redundant.
6. **Page 7, Line 36 (Section 16LB):** The phrase "or promoting the welfare of" allows overly broad data sharing beyond safeguarding needs.
7. **Proposed Amendment:** Remove "or promoting the welfare of" to limit data sharing to genuine safeguarding issues.
8. **Page 50, Line 43 (Section 436B):** "A register may also contain any other information the local authority considers appropriate." This provision lacks clear boundaries and creates significant risks for overreach and misuse. Without strict limits on what information can be collected, families face the possibility of intrusive data gathering that goes far beyond what is necessary to ensure a suitable education. Such a broad provision could lead to subjective and inconsistent practices across different local authorities, eroding trust between families and officials.
9. Furthermore, this clause creates privacy risks for families. Unnecessary data collection increases the likelihood of breaches or misuse, as seen in previous examples of poorly managed public data systems. It is critical that any data collected is narrowly defined, relevant, and essential for its intended purpose, as

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<sup>1</sup> <https://www.privacycompliancehub.com/gdpr-resources/amid-a-flurry-of-public-sector-data-breaches-what-will-it-take-for-the-sector-to-crack-privacy/>

outlined in existing data protection legislation such as the UK General Data Protection Regulation (GDPR).

10. **Proposed Amendment:** Remove this clause. Local authorities should not have open-ended powers to collect data. Ensure that the scope of data collected is clearly defined in the Bill and strictly limited to what is required to assess the suitability of education or address specific safeguarding concerns.

### **Erosion of Parental Responsibility**

11. The Education Act 1996 establishes that parents are primarily responsible for ensuring their children receive a suitable education. Section 7 of the Act states:
12. "The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable— (a) to his age, ability and aptitude, and (b) to any special educational needs he may have, either by regular attendance at school or otherwise."
13. This provision empowers parents to determine the nature and content of their child's education, including the choice to home educate.
14. By granting local authorities the authority to define and enforce educational suitability, the Bill potentially undermines the established principle that parents are best positioned to make educational decisions for their children. This could lead to a more standardised approach to education, limiting the flexibility and individuality that home education can offer.
15. **Page 45, Line 32 (Section 434A):** Local authority consent is required to withdraw a child from school in certain cases, including when an investigation under Section 47 of the Children Act 1989 is ongoing.
16. **Proposed Amendment:** Remove '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'. Section 47 investigations do not necessarily indicate a safeguarding issue, as 78% do not result in child protection plans.<sup>2</sup> This situation is compounded by the significant over-referral of home-educated children to Children's Social Services (CSS), often driven by misunderstanding or bias against home education.<sup>i</sup> The provision also enables the weaponisation of malicious referrals, particularly in cases of domestic abuse.
17. **Page 46, Line 32:** Local authorities "must refuse consent if the local authority considers it would be in the child's best interests to attend school."
18. **Proposed Amendment:** Remove this clause. It undermines parental rights by allowing subjective local authority judgment on what constitutes "best interests". In situations where there are concerns about a child's welfare, established legal processes exist. For instance, if a parent is not acting in a child's best interests,

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<sup>2</sup> <https://explore-education-statistics.service.gov.uk/find-statistics/children-in-need>

the local authority can apply for a care or supervision order under the Children Act 1989. These proceedings involve judicial oversight, ensuring that decisions are made based on evidence and in accordance with legal standards.

### **Discrimination Against Home-Educating Families**

19. Home-educating families are subject to stricter requirements than school-going families, which will lead to stigmatisation and undue burdens. Local Authorities are already empowered to make enquiries about the suitability of home education under Section 436A of the Education Act 1996. They can ask parents for information about the educational provision being made but should not request unnecessary details about individuals providing education unless there are safeguarding concerns
20. **Page 49, Line 17 (Section 436C):** Parents must provide extensive data, including the names and addresses of all individuals involved in educating their child. This provision is overly intrusive and disproportionate, given the established principles of home education and the guidance already in place for local authorities.
21. The current Elective Home Education Departmental Guidance for Local Authorities (2019) explicitly states that home-educating parents are not required to:
  - Have a timetable.
  - Set hours during which education will take place.
  - Observe school hours, days, or terms.
22. This flexibility reflects the fact that home education often takes place through one-to-one contact and learning opportunities that may occur at any time, including evenings, weekends, and during travel. Unlike schooling, home education cannot be quantified in the same way, making the requirement for detailed reporting of time spent receiving education or individuals involved both impractical and unnecessary.
23. **Proposed Amendment:** Limit reporting to the child's name, date of birth, and home address. This amendment ensures that the register serves its purpose without violating family privacy or creating disproportionate burdens. It respects the unique nature of home education while maintaining local authority oversight in a way that is fair and reasonable.
24. **Page 49, Line 32:** Parents must report the total amount of time a child spends in education without parental involvement.
25. **Proposed Amendment:** Remove this requirement as it is overly intrusive and impractical due to the dynamic and flexible nature of home education. Home education is inherently responsive to a child's needs, interests, and circumstances, and schedules often change from week to week. Families frequently adapt their plans to incorporate group activities, events, and learning

opportunities. Such flexibility is essential to providing an individualised education tailored to a child's learning style and developmental needs. Requiring parents to report these details, especially as they fluctuate, creates an unreasonable administrative burden. Additionally, this level of reporting is not required for school-based students, who may similarly participate in external classes, clubs, and tutoring sessions without their parents' involvement. Imposing this requirement solely on home educators unfairly stigmatises this group and undermines the principle of equality in education.

26. **Page 53, Line 3 (Section 436E):** Provision of information to local authorities (by education providers) This places an undue administrative burden on providers, many of whom operate with limited resources. This is likely to result in reduced services available to home-educating families, as providers may withdraw support rather than comply with extensive reporting requirements. This requirement is not imposed on schools, whose students often attend supplementary educational services such as clubs, tutoring, or other provisions.
27. **Proposed Amendment:** Remove the requirement for education providers to supply information to local authorities under Section 436E. Instead, allow local authorities to gather necessary information directly from parents in alignment with existing processes for assessing educational suitability.

### **Lack of Oversight and Recourse**

28. The Bill grants sweeping powers to local authorities without providing adequate checks and balances or avenues for families to appeal decisions.
29. **Page 59, Line 42:** If parents refuse a home visit, local authorities "must consider" this refusal as evidence of unsuitable education.
30. **Proposed Amendment:** Remove this clause. This clause is deeply problematic, as it undermines the right to privacy and places undue pressure on families to comply with intrusive measures, even when there is no evidence of safeguarding concerns. Currently, both social services and police require clear evidence or grounds to access a person's home through court order. The requirement in the Bill exceeds these standards by coercing home-educating families into allowing visits without evidence of harm or wrongdoing. Refusing a home visit does not constitute evidence of unsuitable education.
31. **Page 51, Line 18 (Section 10(5)):** There is no specific protection for families at risk, such as victims of domestic abuse, from data-sharing requirements.
32. **Proposed Amendment:** Add a clause to explicitly prohibit data sharing where it may compromise the safety of a child or parent.

### **Recommendations for Further Action**

33. The Bill must provide families with clear, accessible mechanisms to challenge unreasonable decisions by local authorities.

34. Introduce a requirement for an independent review or appeals process to address disputes over educational suitability, home visit requests, or data collection demands.
35. Ensure local authority staff involved in decision-making are trained in home education law and practice to reduce bias and ensure fair treatment.
36. The Bill should redirect efforts from intrusive monitoring to providing meaningful support for families.
37. Include provisions to facilitate affordable access to public examinations for home-educated children. This would support educational outcomes without imposing unnecessary costs.
38. Require local authorities to provide advice and resources to parents upon request, ensuring families are supported in their home-education journey.

## **Conclusion**

39. The Children's Wellbeing and Schools Bill risks undermining educational freedom, parental responsibility, and privacy by imposing disproportionate burdens on home-educating families. Safeguarding is essential, but the Bill's intrusive measures create distrust and fail to respect the flexible and individualised nature of home education.
40. Existing laws and guidance already provide local authorities with sufficient powers to ensure educational suitability without resorting to overly intrusive measures.
41. I urge the Committee to revise the Bill to ensure it respects diverse educational approaches and supports families while safeguarding children effectively.
42. Thank you for considering this evidence.

***January 2025.***

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<sup>i</sup> <https://www.educationotherwise.org/wp-content/uploads/2021/07/Home-Education-and-Child-Abuse-How-Media-Rhetoric-Drives-the-Myth-2.pdf>