

PREPARED FOR
Children's Wellbeing and Schools Bill:
Call for Evidence

WRITTEN EVIDENCE



WRITTEN BY

Amie Miles

Contents

About the Author	1
Executive Summary	2
Why Bill is missing the point	3
Bulliet points against the CiNS section of the Bill	3
434A Local authority consent for withdrawal of certain children from school	4
436B Duty to register children not in school	4
436C Content and maintenance of registers	5
436D Provision of information to local authorities: parents	6
436F Use of information in the register	6
436G Support	6
Charts	7
References	8

About the Author

Amie was home educated and now home educates her son. She attended school for part of her education where she faced corporal punishment and poor educational outcomes. Home education gave her a love of learning, leading her to pursue 20 qualifications since full-time school attendance, in various subjects. Amie's experience and knowledge led her to seek justice and protection against government red tape and maladministration. She rallied residents to; clean up streets, preserve a historical garden, changed council housing policies for vulnerable women and has been involved in politics and council projects. Amie has never stopped fighting for the rights of her children, their future and the community.

In 2016, she moved from volunteering for Educational Freedom to fighting injustice with Elective Home Education Alliance (EHEA). Which defends against changes in legislation that would interfere with her child's life choices. She volunteered for Education Otherwise and H.E.F.A., working to gather information about national home educators and their experiences with local authorities. Amie also worked with the EHEA to build evidence and meet with the government. She feels passionately about this Bill as her relationship with the local authority turned sour when a staff member was made redundant and attempts to engage the council have fallen on deaf ears. Amie continues to volunteer, analysing the select committee evidence, data, spreadsheets and surveys working closely with social media personalities to publish her data.

Executive Summary

The government's recent report on home education, from Graham Badman in 2009, is based on outdated information. The impact of the recent Pupil Registration Regulations in August 2024 needs time to show in Department for Education (DfE) data. Many children are registered at schools without proper educational provision, more than the government realises. Since the Education Act 1944, the government has tried to understand education outside of traditional schools, but recent media attention has clouded this understanding. This has led to confusion for parents and local authorities, sometimes resulting in negative perceptions and criticism. The home education community has been supporting parents, especially during lockdowns when schools failed thousands of children.

The government should gather unbiased evidence to support the necessity of a Children Not in School Bill, which has been dismissed before due to previous failures to prove it would not discriminate. The proposed Bill contradicts existing laws about education being suitable if a child is either registered at school or educated elsewhere. The DfE has shown a lack of legal understanding by issuing conflicting guidance. There are also concerns about the qualifications of educational officers in the UK as recent studies showed most have as little as 2 GCSEs and no DBS checks.

The portrayal of the home education Bill could mislead parliament. With over 9 million illiterate adults in the UK, home educators see the Bill as a way to stamp out competition to the academies which have shown a higher than average deregistration rate over the years. Exam stress and mental health are the biggest reasons for the Bill's need yet it does not address these cases despite the statistics demonstrating the largest deregistration numbers are in year 11. The happiness of UK children is the lowest in Europe, while Scandinavian education methods seem to support happier, more successful careers, using British educational philosophy. Government often mistakenly think that home education should be a replica of traditional schooling.

The home education community is diverse, consisting of professionals such as doctors and entrepreneurs. This form of education offers more opportunities tailored to children's needs instead of the rigid approach in schools. Home education deserves protection and acknowledgement for its benefits.

An MP suggested finding a balance in home education policies, but the government mistakenly assumes full freedom already exists. Local authorities create their rules, leading to inconsistencies, overstepping, illegal policies and a lack of support. Society tends to judge home educators based on misconceptions, while the government should only step in when there is evidence. New legislation requiring parents to report to authorities undermines their autonomy and increases their responsibilities without recognizing their existing efforts.

The government needs sound evidence before imposing new laws on home education. Currently, there's no independent support for home educators against local authority failures. Many staff are underqualified, which raises concerns about oversight effectiveness and data quality or security.

Questions should be raised about the support for a bill that echoes past legislation. The case of Sara Sharif, often mischaracterized as homeschooling, illustrates an issue with local authorities rather than the home education model itself. Home educators are more likely to be reported to authorities than school children, questioning the need for stricter laws when there is proof it is the enforcement of current legislation and use of powers already granted that should be looked at in more depth.

Why Bill is missing the point

Bullet points against the CiNS section of the Bill

- There is no evidence to show that the bill will have a positive impact on those who are going to be affected by it.
 - ◆ People who have disabilities or find it difficult to supply the information that is being asked of them.
 - ◆ Those fleeing from harm domestic or otherwise, will have an additional duty and extra paperwork to fill out within 15 days of being absent from school. During this time the family may still be moved multiple times until suitable accommodation and risk is reduced.
 - ◆ Those with Special Educational Needs and disabilities will be adversely affected by this bill as it highlights the need to treat those in special schools differently from the rest of the population.
 - ◆ The government seems to think that Section 47 is a high level of social services intervention however they are uninformed. Many families are on child protection plans due to school-based trauma, school-based issues, and divorce. By refusing to allow those parents to deregister is to lock a child into a school where the child may be at higher risk of harm.
- The cost to government and local authorities appears to not have been factored in.
 - ◆ Education Otherwise state it will cost £9 million to implement the Schools Bill. Using the freedom of information data paired with the statistics of those registered as home educating showed that many local authorities are understaffed so the cost would be more likely to reach at least £16 million. Where is that money going to come from?
- What guidance will be issued with this bill to change the interpretation of it as with the previous guidance?
 - ◆ If the local authority interpreted the Bill as families needing to meet in the home with families annually what would be the cost then to taxpayers?
 - ◆ Local authorities have no third-party complaints process that could stop illegal practices.
 - ◆ Data has in the past been unreliable what assurances are in this Bill that the data will be relevant and quality over quantity?
 - ◆ Data has been unsafe and there are no new proposals in this bill to ensure data is kept safe to assure parents they won't be put in harm's way by local authority actions.
- EPI and CC say that schools don't always notify LAs about deregistrations.
 - ◆ Framework and enforcement are required on existing laws rather than the implementation of data harvesting without safeguarding measures.
- Meetings with the DfE revealed;
 - ◆ Designed to catch people who were using illegal schools.
 - ◆ Jewish and Muslim communities specifically needed to be monitored for extremism.
- Human Rights Infringement
 - ◆ Section 8 - a right to private family life. The assumption is that qualified staff will be professionally assessing the homes of children who have the right to refuse strangers into their homes.
 - ◆ Section 6 - Innocent until proven otherwise. The assumption parents need to prove themselves innocent from the start.

- The bill narrative seems based on false narratives and assumptions. “These children, after all, are the responsibility of the state.” Jess Asato (Lowestoft)

434A Local authority consent for withdrawal of certain children from school

Line 32, Page 45 - SEN children will be adversely affected by this change and children who have any investigation with section 47 enquiry.

SEN schools are arranged and paid for by the local authority, the current legislation states that parents cannot be refused deregistration unless there are reasonable reasons to refuse (which they must prove)

Child Protection plans can be instigated from as little as admin errors, as a result, many parents would be affected inadvertently by this policy causing more harm. CP plans mean that parents are already being supervised monitored and highly regulated, it is illogical to add another layer of that by home educating. This is why we only have the one serious case review where this has occurred and it has been misrepresented as Sara Shariff being home educated. 1. She was deregistered at the end of a school year leading into the summer holidays when neither the school nor the local authority would have acted. 2. She was awaiting a school place as the family had enrolled her at another school. Therefore the solution would have been to ensure those services do not cease at summer break.

Section 47 - Section 47 can be an enquiry during divorce proceedings, following breakups with domestic violent partners, county lines involvement is suspected, teacher-on-pupil abuse or child-on-child abuse, bullying, sexual abuse in the school and many other issues. A child protection plan can be put in place for the lowest of reasons to aid access to resources that are linked with that register or to buy the council time to gather information before discharging you.

Line 42 Page 46 - This is a copy-and-paste job which as we know many councils are simply not capable of doing without data breaches they must report to the ICO but in the majority of cases they don't.

Line 10 page 47 - is useful to prevent off-rolling however this already exists in current legislation and is never enforced, therefore one has to consider if the DfE will be enforcing this, and if so how.

Line 19 page 47 - no examples to date from the secretary of state acting when contacted, yet there are several mentions of this provision of conceived justice. Can home educators not instead have an independent agency appointed to manage these complaints against local authorities?

Line 32 page 47 - Past from pillar to post, not resolving anything.

436B Duty to register children not in school

Line 13 page 48 - Not enough definition here, Explanatory Notes state, that children may fall into the scope of this Bill that the DfE/Government do not intend to include for example;

1. Visits the Dentist for one afternoon.
2. Given alternative provision for part of their schooling.
3. In the hospital, but receiving education whilst an inpatient.
4. Bereavement and or sick with a short-term illness like a 48-hour vomiting bug.

436C Content and maintenance of registers

Line 20 Page 49 - Implies that one parent will be responsible for the data gathering, adding more stress to single-parent families or those with difficult breakups.

Line 22 Page 49 - The information detailed and the scope is erroneous and has too much scope. For example;

1. Postman stops to have a conversation with the child and describes his job role.
2. The child attends museum museum-organised trip, and the assistant adds a factual comment.
3. The old lady chats to the child on the bus on the way home.
4. The child attends local charity events as a volunteer and each person they have contact with throughout the day has to now provide their details by this legislation.

Singling out a child who is educated otherwise than at school, with swathes of public formalities is not only impractical, it is potentially harmful. This discrimination between schooled/unschooled means that those who must do the additional paperwork can be singled out, and identified by those we want to avoid.

Is the parent therefore required to register with ICO to comply with GDPR?

How is this polite conversation? Will this prohibit a child from being given 'free' advice from the community? Will services reduce their offering or charge more? Meaning those who home educate will reduce their 'visibility' by not working with local businesses to facilitate learning due to cost and increased risk.

Line 41 Page 49- States the child's protected characteristics need to be recorded. In Bristol, professional communication deteriorated to labelling children based on race. Labelling children as having protected characteristics seems to be lending itself to 'professional' abuse. When these professionals do not act like they should when they believe the data and information are secure and that those outside the 'trusted' circle can be stereotypical and pick on these traits as reasons as with Warwickshire council exposed, ignorance and derogatory remarks towards parents. These cases are never resolved in the public interest. SEND Children in now two SEN schools in the last 12 months have been found to harbour abusers of the worst kind, again no justice was served following these cases.

How many children have to suffer before we see changes made to stop courts and the system from protecting these abusers? These were professionals to whom this bill proposes giving secrecy and power, snatching it from innocent parents trying to do the best for their children.

Line 3 page 50 - States that the EHCP needs to be recorded. The lack of understanding of the way that EHCPs operate could have led to this addition. EHCPs are annually reviewed regardless of EHE being a component to ensure the plan grows with the child. This will also be covered under the protected characteristics as above and is inconsequential to this Bill.

Line 4 page 50 - This line seeks to record past actions made against the parent. This could be weaponised as parents who previously experienced misconduct or cleared their name and will now have wounds reopened and used against them.

Line 10 Page 50 - This is commonly due to malicious reports by schools, doctors making false accusations, and accessing certain services that are only available if on a CiN plan.

Line 26 Page 50 - conflating CME (child missing education) with those who are EHE.

Line 35 Page 50 - This line states it will record how many times a school attendance order was issued and the outcomes but doesn't propose to limit how many school attendance orders the council can issue and fail on a single family.

Line 37 Page 50 - We've had LAs record the parent's mortgage information, car value, rental status and landlord information.

Line 43 Page 50 - This line does not limit data to relevance and education, creating a potential issue for those who wish to refuse the recording of data which type sets the family and could potentially lead to harm and discrimination.

Line 15 Page 51 - will there be a punishment for failure to safeguard this data, at present we have cases where whole families are leaked this data and other cases where a family was moved 5 times due to the council leaking the data to the abuser.

The ICO is overwhelmed by these reports and councils don't self-refer under GDPR if they know they have breached data.

436D Provision of information to local authorities: parents

Line 38 Page 51 - The timescale of 15 days for a mother fleeing domestic abuse, and a family away on holiday, using this period is normal for team building and normalising the child towards a new learning style and environment and the data gathering at this stage wouldn't be of any use nor reflect the future style and routine.

Line 11 Page 52 - Why are section 19 children excluded from the register? It seems very selective that the government would deem children receiving 3 hours a week of tutoring, to be 'suitable' meanwhile as per section 436a and section 7, (elective home education) EHE declaration is to deem that education suitable unless otherwise proven in accordance with the European Convention of Human Rights article 6.

436F Use of information in the register

Line 25 Page 54 - My concerns with the wording of this line simply implies that bias and maladministration can follow a family looking to make a fresh start.

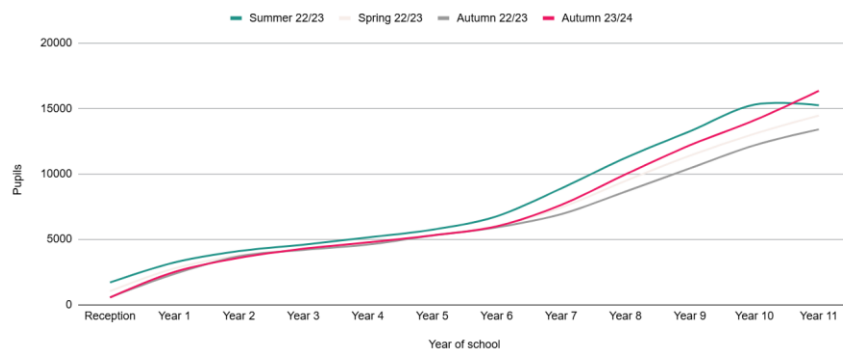
436G Support

Support is not limited to home education. If a funding pot was provided, technically all families could request alternative and/or online provision funding and then be classed as home educated. Exam access has been the number one concern recorded with each consultation and survey done, yet the opportunity to legislate this here has been missed. Most private candidate centres closed due to an abnormally large amount of SEN provision being required to which they had no legal option but to refuse all private candidates or risk lawsuits over disability discrimination.

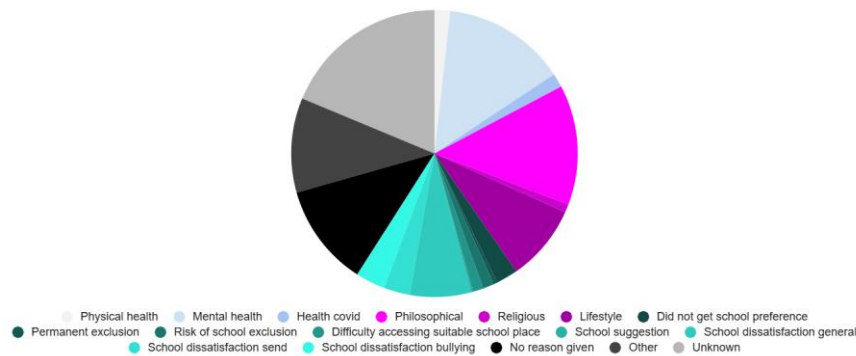
Charts

The below charts were all created using the Department of Education’s data publication on the figures of children deregistering to electively home educate. Published in December 2024 after the law change came into force requiring local authorities to supply this data just 3 months prior. Before the law changed the DfE were unable to obtain data from 7 local authorities and before that 10 were unresponsive the the DfE. Each year estimates instead.

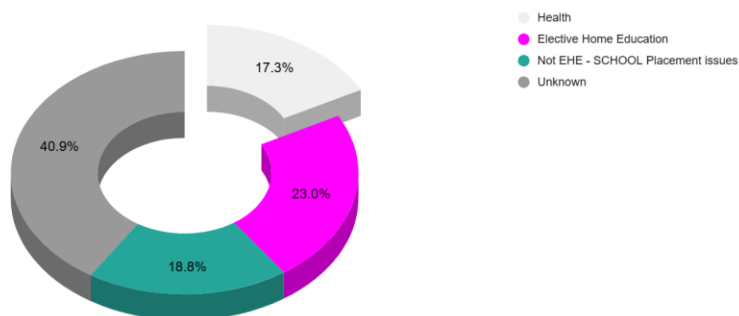
Deregistration by Year Group



Reasons for Deregistration 24/25



Reasons to deregister by Category Autumn 24/25



References

Children's Wellbeing and Schools Bill (2024) <https://bills.parliament.uk/bills/3909> accessed 18/01/2025 at 1.42 pm

Children's Wellbeing Bill Policy Summary <https://www.gov.uk/government/publications/childrens-wellbeing-and-schools-bill-2024-policy-summary> accessed 18/01/2025 at 1.41 pm

Hansard Debate from Wednesday 8th 2025 <https://hansard.parliament.uk/commons/2025-01-08/debates/656F7D15-EA9D-46EA-8D8A-795738402CE9/Children%E2%80%99SWellbeingAndSchoolsBill> accessed 18/01/2025 at 1.39 pm

Education Act. (1996). The Education Act. TSO. from: <https://www.legislation.gov.uk/ukpga/1996/56/section/7> accessed 18/01/2025 at 12.35 pm

JOY BAKER (1964) *Children in Chancery* (Heretics Press).

Harrison & Harrison vs Stevenson <https://publications.parliament.uk/pa/cm200809/cmselect/cmchilsch/memo/elehomed/me8602.htm> accessed 18/01/2025 at 12.35 pm

Warwickshire council SEN councillors: "Councillors' special needs comments cleared" <https://www.bbc.co.uk/news/articles/cv220q9r14no> accessed 18/01/2025 at 1.49 pm

BBC reporting on abused SEN children: "Special school pupils 'tortured' in calming rooms, BBC investigation finds" <https://www.bbc.co.uk/news/uk-68897335> accessed 18/01/2025 1.58 pm

European Convention of Human Rights article 6 <https://www.coe.int/en/web/human-rights-convention/justice> accessed 19/01/2025 at 1.08 am

Badman Report Home Education 2009 https://assets.publishing.service.gov.uk/media/5a7dc69640f0b65d8b4e36db/Review_of_Elective_Home_Education_in_England.pdf accessed 19/01/2025 at 1.48 am