

Written evidence submitted by Louise Owlett to The Children's Wellbeing and Schools Bill Committee (CWSB69)

Introduction and areas of concern

1. I am writing as the proposed bill in its current format is damaging to home educated children, their parents and the family unit as a whole. I am writing with particular consideration to neurodivergent children, as certain parts of the bill will damage both the wellbeing and education that many home educating families have worked so hard to build, often following an extended period of damage from being in the school system. The current bill is dangerous and will negatively affect the majority of home educated children and families in England in some way.

Summary

- **Background**
- **Concerns (from a home educator viewpoint)**

1.1 Data issues

2.1 Disability discrimination and lack of thought for impacted communities

- **3.1** Compulsory home visits

4.1 Oversight of school system failures

- **Recommendations - suggestions for consultation**

Our background

2. Child 1 is autistic and began home education just over a year ago. Child 2 began six months ago, but both started home education for quite different reasons. Child 1 was failed by school over the course of a few years due to unmet needs. Since starting home education, he is happier, is able to effectively access learning in subjects that he loves,

is able to leave the house to access therapeutic learning activities, and feels able to be his unique and authentic self without fear of repercussion from school and/or other people/children. Child 2 was given the opportunity to join his younger brother in home education due to the lack of GCSE and learning opportunities provided by his school, some of which were unavailable due to a lack of funding and/or teaching staff. Similarly, various bullying incidents that previously took place at school had negatively affected him. Since starting home education, Child 2 has been studying for his GCSEs and is currently pursuing an array of subjects and syllabuses not on offer through school. As such, he is much happier. Physical symptoms of anxiety experienced at school (that he had frequently been sent home for by school), have also stopped.

3. Home education for us is a mixture of approaches - structured, semi-structured, child-led, and autonomous. Child 2 follows a structured approach, concentrating on chosen GCSE syllabuses, but with Child 1 we use a mixture of approaches to suit his special educational needs. The mix and variety of approaches allows us the flexibility that is required to suit his varying needs and abilities on any given day, of which freedom to choose how we access learning is of utmost importance. This flexible approach is the best way to provide him with the opportunities he deserves.

Concerns

Data issues 1.1

In relation to Section 25 Registration

4. Local Authorities already hold a register of home educated children, leaving the requirement for another register a doubling up of resources, and with a potential for inaccuracies. When a child is deregistered from school, they are entered onto the existing register. The newly proposed register would not do anything to protect children

missing education as the proposed register does not include them. Using the existing register, Local Authorities can already contact and make enquiries about a child's education, and again, already have the ability to serve a notice 437(1) and a Statutory Attendance Order if an unsuitable education is found. Additionally, using the existing register, Local Authorities already have the power to refer to Children's Services in case of any safeguarding concerns. Any current failure, therefore, is a failure by the professionals to use the existing legislation already available to them.

In relation to 436C Content and Maintenance of Registers

5. A significant number of home educated children are such, due to the school environment and inflexible approach not being a viable option for efficient learning for them. The proposed register asks for an unrealistic level of detail in-line with current timetabled school practices, which is in reality, not how home education works. Varying styles of learning are used in home education - those that suit a particular child's set of needs on varying days and cannot be easily timetabled or planned for. The only way that the proposed register format of quantified time spent would be met, is if a formal structured timetable is followed, which the vast majority of home educators do not, (and cannot) follow. The fluidity of home education is ultimately what makes it work so well, in particular for neurodivergent children that need a unique style of learning to thrive. Taking away this interchangeable ability to engage in learning would add a significant deal of stress to both parent and child, and take away from the fluid dynamic that is necessary for an effective education for these children. Similarly, the register assumes that learning only takes place when an adult is present and a formal learning session is taking place - lots of children, and especially neurodivergent children, are autodidactic. Learning can take place alone, using books, videos, or other resources. A significant amount of discussion around the information and themes learnt can then take place with an adult, which can spark curiosity or provide inspiration for other subjects of interest. Any learning undertaken this way in relation to the new register, however, would be unaccounted for, not timetabled, or not viewed as having any value.

6. Asking parents to provide details of all activities/sessions, etc., attended, arranged, or even 'attempted' in the case of many neurodivergent children, is excessive and impractical. My children attend therapeutic groups in person, therapeutic online sessions, flexible live and recorded learning sessions with (ex)teachers and tutors, drop-in home education activity sessions, home education parent arranged educational trips, as well as other outdoor trips which all provide socialisation opportunities - all of these activities are part of a child's education. There are also many other potential education providers. The provision of this information in addition to being excessive and overbearing, will simply be unwanted by the organisations and another source of stress for the parent. Similarly, the organisation and provision of this information would take time and effort away from the education that we are trying to provide.

In relation to 436D Provision of Information to local authorities: parents

7. The proposals require that we, as parents, provide information about the websites used, groups attended, tutors used, or details of family other than the parents every time a new person, group, online provider or even a website is used, which is completely unrealistic. Also, under this part of the legislation, family other than the parent would be treated as an organisation, and provision of the time and days of the week spent with them, affects a family's right to privacy.
8. This section also suggests that the local authority will require these settings to provide them with information about the children who use their services. I expect some groups will cease to be, or even end access to home educated children specifically, as it is not their remit to ensure suitability of the education, nor a responsibility that organisations want or would be able to effectively deal with. I have already heard whisperings of groups potentially no longer accepting electively home educated children due to the increased workload and therefore costs involved, which would disadvantage the home educated children and take away from the education parents are trying

to provide. Similarly, costs specifically for electively home educated children could be increased to overcome this obstacle, which again, would negatively affect children and families if this were to make the group or activity unaffordable.

2.1 Disability discrimination and lack of thought for impacted communities

9. The impact for neurodivergent children and their families does not appear to have been thought of during the drafting of the bill. A significant amount of home educated children left the school system following a long period of attempting to make school work - and found that for them, it doesn't. Families in this position have already had to deal with a whole raft of failings from both the school system, the NHS, and other services, before finding home education. A decision was then made to home educate as school was most definitely not the best place for that specific child. A child recovering from crisis, will only be forced back into crisis if made to attend school again. More often than should be necessary, home education is a last resort by parents in an attempt to limit the damage already done to their child by the failing system. Putting further excessive and quite unnecessary barriers, paperwork, stress and struggles onto parents will only serve to do more harm to those already damaged.

Compulsory home visits

10. Compulsory visits to ensure the suitability of the home and learning environment are also referenced within the proposed bill, with the possibility of a notice being served to parents if entry is refused - our home is my neurodivergent child's safe space, and no one should have the right to entry without due cause. In my son's specific case, his home is his sanctuary from the busyness and unpredictability of the outside world, and a stranger coming to the house would cause him considerable anxiety and distress. Even visits from his own extended family need to be carefully planned for in advance - providing access to a stranger, potentially off the cuff and without

warning, would only increase his anxiety and distress, which is the opposite of what we are trying to achieve. This would negatively affect his wellbeing, supposedly what the bill is attempting to protect. This part of the bill is in relation to all home educators rather than in response to any safeguarding concerns, therefore this part of the bill is completely unnecessary and potentially damaging. If there are genuine safeguarding concerns, Social Services currently already have the power to check the home environment.

4.1 Oversight of school system failures

11. The money and resources put into this bill would be better spent on looking into the failings of the school system, and understanding the reasons why many children needed to leave the school system for the good of their own wellbeing in the first place. Whether due to neurodivergent children's needs not being met, chronic underfunding affecting the quality of teaching, or underfunding affecting the staffing of and therefore issues found in some schools, the entire system needs looking into closely so that the necessary changes can be made.
12. There seems to be a common theme running through the bill, and that is the assumption that parents themselves are unable to make good choices in relation to the best interests of their own children. It also seems of the opinion that the Local Authority knows what is best for a child's wellbeing (a one size fits all approach). There is nothing I have seen, however, that points to the rights of the child in the matter.

Recommendations for further action

13. Due to the wording and themes running through the bill it appears that the home education community has not been consulted, therefore I recommend that time for home educators and home educated voices to be heard is given. The rights and opinions of the people that this bill seeks to ensure the wellbeing of need to be considered - I urge the opinions of the children and young people

themselves be sought and considered. Similarly, there are many experts on the education of neurodivergent children, and the knowledge and experience of these people should be taken onboard and a suitable set of amendments to the current proposed bill developed. Dr Naomi Fisher is a particular recommendation.

Conclusion

- The bill does not protect the children it claims to - it does not identify children missing education, and it does not safeguard any children.
- Children are already on an informal register and the LA can and do make enquiries about their education.
- Services that local authorities already have the power to refer to fail children.
- Register asks for an unrealistic level of detail and unquantifiable time.
- Register would take away fluid dynamics necessary for neurodivergent children's education.
- Organisations/services may close doors to home educated children due to increased workload/costs.
- Disability discrimination and lack of consideration for affected communities within the current bill.
- Children's rights and opinions on their own lives have not been considered.
- Bill does nothing to address the failures of the current school system in terms of children's wellbeing.
- Bill does nothing to address the reasons why children are removed from school and home educated.

Solutions/considerations

- Consult the home educating community.
- Obtain the opinions of children in relation to home education and their right to be educated in a way that works for them.
- Consult experts in the education and wellbeing of neurodiverse children, E.g., Naomi Fisher.

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