

# Written evidence submitted by Anonymous to The Children's Wellbeing and Schools Bill Committee (CWSB72)

## Summary

- The bill does not show an understanding of how home education works (for example, differing educational philosophies and the ways children learn at home)
- Home educating families, including children, will have too much personal data taken with potential for data breaches then making children vulnerable
- Children's experiences are not being taken into consideration
- Local authorities will have too much power with no experience in home education and the varying approaches required
- The bill is overstepping parental authority when deeming what is in the child's 'best interest'
- The information from home educated families that is proposed to be collected is too open-ended and leaves scope for harm
- The bill is likely to cause indirect discrimination against home educating families particularly those who have disabilities

## Background

1. From a young age, it was clear our eldest child (now diagnosed autistic) would not thrive in mainstream education. With many sensory and communication differences, a highly-sensitive nature, and the need to move, make noise, and ask endless questions to help process his experiences of life and learn - not only would a school setting have required him to suppress much of himself, it would have likely been disruptive for both teachers and pupils alike as they adapted to provide the support he would have needed to survive, let alone thrive.
2. With this in mind, we instead decided to delve into the world of home education - researching the pros and cons, reading up about the many different educational philosophies and learning more about child development in general to ensure we felt comfortable in undertaking a different path to help our child thrive.
3. Five years later, we had another child turning school age with further complex needs and an older brother who was happy, curious, and thriving in a relaxed and

child-led environment which played to his strengths while supporting him with challenges at his pace. And so, we also opted to continue our home education journey for two children.

4. With our oldest child now 11, we have 6-7 years of home education under our belt and can truly say that it is the key to the wellbeing of our children given the many ways they need additional support. One of the keys to our success is that their education is entirely child-led. Through their own interests and passion, we support their learning and provide the resources for them to create their own opportunities, ask questions that they have, and continue to ignite their curiosity and innate desire to solve problems, explore how the world works, and use the talents and skills they are born with.
5. I am deeply passionate about all children being empowered with the tools and respect they deserve to be the unique humans they were born to be, while being provided invitations to both follow their own initiatives and explore things they may yet not be aware of.
6. The huge concern I have is that many adults today, including vast numbers of professional and authority figures, do not have the same drive to provide a child with the respect and validation granted to adults.
7. I feel this is particularly reflected in this bill's clauses surrounding home education - which shows no real interest in how home education works, how local authorities can protect and nurture home education as an avenue to helping children thrive both in terms of wellbeing and education - and instead reducing children to data, while likening parents to criminals guilty until proven innocent.
8. I am horrified that this bill tries to give local authorities the power to deem what is in a child's 'best interest' with no protective clauses in place to ensure all with such power have; an understanding in the various home education philosophies and an understanding of the specifics of how a child will learn best given their unique needs and challenges (like disabilities). I also think it's a tragedy that children themselves have not been given an invitation to share their views within any of the proposed provisions.
9. As part of a neurodivergent family, I am also particularly concerned by the indirect disability discrimination that will take place if this bill is to go again. With the 'requests' for 'home visits' by strangers to be highly anxiety-provoking for

both many autistic children, who deem home a safe place, and for many autistic adults. The prospect of home visits from individuals who may completely inexperienced in home education, and have their own opinions and school bias, will cause huge amounts of unnecessary anxiety that can have an impact on family wellbeing. As my 8 year old put it: "if some random has to come into our home to judge us, it's going to be really disturbing!".

10. It is more likely that autistic parents will choose to turn down a 'request' to avoid this added anxiety and protect their children. And yet this can then be seen as 'proof' an inadequate education is being provided.
11. To summarise personally, this current bill adds anxiety and pressure to the home educating process where it is simply not needed. It undermines the authority of parents, and disrespects the validity of home educated children as whole humans with valid life experiences and the same rights to family privacy.
12. I respect the need to protect the children who may be faced with the most terrible neglect and abuse outside of the home - but those involved in this bill should know full well that there are various registers in place already (birth certificate, GP records, social services etc).
13. You will also know that in the most recent notable cases of child abuse (I don't wish to use children's names to make political points) all the relevant services were informed and yet did not stop tragedy.
14. As a member of various groups for home educated families and SEND families, I am also appalled that this bill makes no attempts to better protect children in school - where the majority of child-related issues currently stem (bullying, unmet SEND needs, peer-on-peer sexual abuse - to name a few).

### **Specific Areas of Concern**

#### **15. Page 7 line 18. '16LB Consistent identifiers for children**

16. I am deeply concerned about this measure knowing with what frequency data breaches occur in local authorities and other public bodies. 'Analysis of official data shows between 2020 and August 2021, around 40% of the 777 incidents

recorded by the National Cyber Security Centre (NCSC) affected the public sector'. Whilst it may have good intentions, this section holds significant risk to family rights and privacy, making children more vulnerable.

**17. Page 45 line 32 to page 46. '434A Local authority consent for withdrawal of certain children from school ... (4) Condition B 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.'**

18. I cannot argue this should not be the case where children are subject to a Child protection Plan (CPP), but condition B goes too far. Additional enquiry may be warranted, but formal notice to satisfy is not acceptable. Investigations can be initiated due to malice or misunderstanding and would cause those children's parents unnecessary stressful formal notices requiring them to satisfy the local authority that their education provision is suitable with no reasonable cause. This impacts on the whole family wellbeing and education unnecessarily.

19. This situation is exacerbated by home educating families being twice as likely to be referred to Children's Social Services (CSS) than school children are and yet no more likely to be subjected to a child protection plan - demonstrating that there are over referrals of home educating families due to the simple fact that a child is home educated (deemed 'not in school') and authorities are not educated on what home education really means.

**20. 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.'** This hugely undermines the primacy of parents as long standing arbiter of what is in the best interests of their children. Currently, should CSS consider the parent to not be acting in the best interests of the child and causing that child significant harm, CSS can make an application for a care or supervision order. Nothing short of a court order subjects any other cohort of children to a 'best interests' decision - this is hugely discriminatory to home educating families, and again my concern is that those who make these decisions are not required to have any experience in home education.

**21. Page 39 line 14 '436C Content and maintenance of registers (1) (d) the amount of time that the child spends receiving education from each parent of the child, (e) if the child receives education from a person other than their parent—**

**(i) the names and addresses of any individuals and organisations involved in providing that education, (ii) a description of the type of each provider named under sub-paragraph (i), (iii) the postal address of each place where that education is provided (where different from the address in sub-paragraph (iv) the total amount of time that the child spends receiving that education and the amount of time the child spends receiving that education without any parent of the child being actively involved in the tuition or supervision of the child.'**

22. This requirement places an onerous burden on home educating families, especially SEN families, whose children's provision can fluctuate dramatically. It is also not clear what and who constitutes an education provider, and also shows a misunderstanding about how much of home-education works (with vast amounts of learning being done through life - conversations, watching & reading media, outings).

**23. Page 50 line 42 '(3) A register under section 436B may also contain any other information the local authority considers appropriate.'**

24. This line is extremely concerning. This allows LAs to hold any data and comment on children and families that they deem relevant, with nothing being out of the question. This puts children in an extremely vulnerable position in terms of what information could be available from one place should there be any data breaches. Data recording and retention should be the minimum required and not be open-ended.

**25. Page 51 line 19 '436D Provision of information to local authorities: parents (1) A parent of a child who is eligible to be registered by a local authority in England under section 436B must (b) inform the authority of a change, of which the parent is aware, to any of the information required to be included in the register under section 436C(1).' (the time period for informing the local authority is 15 days).'**

26. Again this places too much of an admin burden on parents who are busy educating their children. This would have an especially negative impact on SEN families where providers can change regularly.

**27. Page 53 line 3 '436E Provision of information to local authorities (by education providers)**

28. This will place an unwarranted burden on educational providers which is likely to lead to them removing services for home educated children, having a negative impact on home educating families.

**29. Page 55 line 1 '436G Support**

30. Currently there is very little practical support provided to home educated parents, which many parents are fine to accept as part of choosing an autonomous educational route outside of school. However, if this bill is to truly look at improving the wellbeing for home educated children then it is only fair that further data and regulations comes in return for further support opportunities if desired by those families. One of the most obvious being to fund exams for home educated children if they wish to take exams.

**31. Page 58 line 35 '35(6) Condition C is that (c) the child's parent has not provided that information before the end of the relevant period (as defined in section 436D(4)(a)), or has provided incorrect information.'**

32. Accidental provision of incorrect data is inevitable and this part should clarify as relating to 'intentionally' providing incorrect data.

**33. 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..'**

34. As before, this horrifically undermines the primacy as the one to know what is in the best interests of the child. This is the potential for those with inherent bias toward school serving a School Attendance order based solely on their own opinion that school is in children's best interests.

**35. Page 59 line 37 '(c) may request the child's parent on whom the preliminary notice has been served under section 436H to allow the local authority to visit the child inside any of the homes in which the child lives. (3) If a request under subsection (2)(c) is refused by the person to whom it is made, the local authority must consider that to be a relevant factor in deciding whether the child's parent has failed to satisfy the local authority as mentioned in subsection'**

36. This is framed as a 'request', but is effectively a mandatory requirement given that declining leads to a duty on the authority to consider that as a cause to serve a school attendance. Families legally have a right to privacy of their homes and this takes away such privacy. No other cohort of children are being subjected to this intrusion.

**37. Page 65 42 and 66 32 '(b) for the child to receive education, otherwise than at a school, that is in their best interests, ... b) for the child to receive education, otherwise than at a school, that is in their best interests'.**

38. Again there is reference to 'best interest' which should not be determined by local authorities.

## **Conclusion**

39. I would like to conclude by saying that I believe this bill to be made solely on rhetoric, with no evidence base to support its provisions positively impacting the wellbeing and safety of home educated children. It carries genuine safeguarding provisions in the first half, but the second half treats home educating families as guilty until proven innocent and interferes with their rights to family life in ways which are unacceptable, and certainly not truly for the benefits of home educated children.

## **Recommendations for amendments and further action**

40. I propose having a proper consultation with home educating families with plenty of time to provide their input around their obviously busy lifestyles.

41. I suggested having home educated advocates as a legal requirements as part of the local authorities - ensure that these people have an understanding of the full array of educational philosophies used by home educators, to have understanding of the latest research on child development, and also an up-to-date understanding on SEN

42. I ask you consult with home education experts before a new draft - such as Naomi Fischer, Jenn Hodge, Michael Charless.

43. I ask that you make sure there is no open-ended data collected for local authorities to use their own personal bias and opinions.

44. I ask that you provide clear information within the bill on how a child's well-being is defined and, have it clarified, should a school order be put in place, how the LA

will ensure that any education provided will be a better alternative for the child - with legal contracts in place for them to provide this or face breach of contract.

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