

Written evidence submitted by Anonymous to The Children's Wellbeing and Schools Bill Committee (CWSB76)

1. I am a doctor who has home educated for over a decade. I co-run one national support group for home educators and am actively involved in a number of others. I write to the Select Committee to present my personal experience as evidence of profound issues of concern on the damaging impacts of the clauses in the Children's Wellbeing and Schools Bill on children not in school (CNIS) and universal data sharing via unique identifier numbers.
2. Data holding and data sharing are inherently risky processes. ContactPoint and the Named Person Scheme in Scotland have already been proven unworkable and too dangerous, so to attempt to revisit these concepts in the idea of unique identifier numbers and universal data sharing is simply folly and must not be considered an option.
3. On that note, may I ask the committee to accept this report on the experiences of home educators of inappropriate data sharing from healthcare sources, including demonstrating how this creates detrimental barriers and obstacles to open access to healthcare.

<https://selfmanagedlearning.org/wp-content/uploads/2024/04/Confidentiality-and-Respect-Report-March-2024.pdf>

4. In terms of the sections relating to children not in school, I have yet to see a local authority where there is no evidence of in some way misleading law-abiding home educating families and/or overstep lawful remits. Treatment of some families within certain LAs is tantamount to harassment. It is therefore unacceptable to routinely leave the decision of what is in a child's "best interests" to strangers who so often are already often guilty of conscious bias against non-school based education, rather than the parents who know and love the child. It is also completely unacceptable to give such councils pretty much unlimited power over what they can demand from loving law-abiding families.
5. Where is the independent appeals and tribunal process that would be necessary to address concerns over misuse by council staff of such unprecedented powers? With such a lack of accountability and right of redress, these proposals cannot be passed, even if there were good and productive ones.
6. At least one of my children would probably not be here today if we had not withdrawn them from school. Even now, over a decade later, we are still

unpicking the damage from school trauma, despite therapeutic intervention with CAHMS to deal with the effects of school trauma.

7. If you had asked my children, especially when they were “primary-age” what “home education” or “work” they had been doing, they would have looked somewhat puzzled and said they didn’t do any- because their learning was so intricately and intrinsically woven into and throughout their days, their play and their lives.
They did not learn to read or write at the ages the school system would expect, but rather much, much later, when the abilities and the interest naturally kicked in. We soon learnt that attempting to try to replicate school-like approaches to education was a recipe for disaster and for disengagement from true learning. We chose to fan the fire of natural curiosity and intrinsic love of learning rather than quench it by imposition by adults.
8. The fruit of this approach? To give examples of outcomes that would please those who favour performance-based approaches to education, our family includes 17-year-old already doing a university degree, and another channelling their determination to become a surgeon. These however are minor achievements, compared to the far superior outcome of children and young people who are happy, confident in their own personalities, enthused by learning, curious and wondrous of the amazing world around them, socially far more skilled than their school-based peers, and most of all far safer than if they had been exposed to all the risks of bullying and abuse within the school system.
9. Yet the very kind of approach that has allowed our children to flourish would have resulted in School attendance orders under your proposed legislation, thereby killing their right and ability to flourish in their own time and in their own way.
10. I consider myself a polite law-abiding citizen, but I simply would not be able to comply with both the demands of this bill in terms of what would be expected to “report” and provide to council staff and also fulfil my lawful duty to provide my children with a suitable education, because the two are dichotomously opposed to each other.
11. When learning is something that is intrinsically woven into a child’s life, from waking to sleep, it is simply impossible to quantify the hours spent in “education”. To label activities and experiences as “educational” and “not educational” for purposes of tick box exercises is futile and destructive to learning.
12. My children’s education does not look like “school”. We would never be able to give timetables or readily explain how many hours spent in “education”, because education involves so much more than “school-like” “work”, education is intricately and intrinsically woven into and throughout their days.

The approach that has so benefitted our family cannot be reported on in terms of schedules or timetables, it does not involve “lessons” as those without experience of home education would seem to understand them, and the list of people, groups and resources that have so greatly enriched their lives are endless.

13. We deliberately do not have a “school-room” or school/learning area that could be “inspected”, because learning is a continuous process and we do not want to encourage a mentality of learning being a task, of being “work”, of being something that is only confined to certain hours of the day.
We deliberately do not have timetables, our learning deliberately does not take the form of structured lessons, as we believe, and have seen the fruit to confirm it, that this is counterproductive to optimal children development and true learning.
That is our philosophical approach to raising our children, and the government has no right to control or change that the government has no right to be the determiner of what is a suitable education for individual children, that is the parents’ responsibility
14. We also deliberately do not expect our children to meet the kinds of age-related expectations of literacy and numeracy that are traditionally held in UK schools but rather immerse them in an environment that allows those skills to emerge and then be embraced and flourish when each child is developmentally, academically and emotionally ready, but not before. There is considerable evidence to support such approach to education, but your Bill would make parents who adopt such excellent approaches liable for fines or even prison because these approaches do not fit the model of education expected to be demonstrated in such pedantic detail to council staff. It is simply not possible to provide the kinds of data that the Bill would demand without having to detrimentally change the kinds of education many home educated children so greatly benefit from to a kind of education that has already failed so many.
15. I find it incredible that this bill seems to have been drafted by those with such a limited lacking understanding of true learning and genuine education.
16. You cannot and must not give unprecedented powers to ordinary council staff, including right of entry into family homes, to “interview” children without their informed consent, to form opinions over educational approaches that have no experience and often no understanding of, to form opinions about their “home environments”, to be screening ordinary family for “safeguarding” issues,
 - a. With no specialist training of the levels that social workers or police would be required to have
 - b. With no accountability, no independent appeals process, no way of redress for families if and when council staff deliberately or unconsciously overstep their remits or display attitudes or decisions based on discriminatory views or lack of understanding and experience.

17. It is wholly inappropriate to create powers to inspect homes for the “learning environment” as learning outside of school environments does not look like classroom learning – and indeed much of home educators’ learning takes place outside the home – outside in nature, in museums, galleries, cafes, and the most wonderful array of educational environments, with friends, with family, within the community and society as a whole

If, instead, you wish to inspect homes to look for evidence of neglect or conditions that are not suitable to live in, then this should be clearly stated instead, and the same provisions made to inspect the homes of school children. Social services already have the power to do this if there is reason to believe this is the case.

However, even social services and police cannot enter homes without a court order demonstrating good reason to believe causes for concern except in the direst of circumstances (and would face disciplinary and legal action if they entered homes or interviewed children without their consent without such reason).

Thus, this Bill if passed as presently drafted would give unprecedented powers to ill-equipped council employees beyond those of highly trained social workers and police.

18. The concept of inspection home environments is distinctly classist.

I am aware of families facing no fault eviction now living in fear of their children being forced against their wills if the provision of temporary accommodation by the council is then deemed inappropriate by the same council.

When children are confined in small classrooms surrounded by noise and distraction from at least 30 others, forbidden use of bathrooms, forbidden to speak, often living in fear of bullying or intimidation, living with a constant fear of not being good enough, how dare the government feel it has the right to inspect and comment on family homes without due cause for concern.

19. National Audit office has identified that some 700,000 children in state schools are learning in buildings that are in need of rebuilding or refurbishment, often where there are significant safety concerns- yet school-children are still required to attend these or their parents face fines for non-attendance. So, the concept of inspecting home environments is not only highly inappropriate but hypocritical.

20. The almost unprecedented powers that this Bill would give to ordinary council staff in page 50 line 42, which states “A register under section 436B may also contain any other information the local authority considers appropriate”, is a recipe for abuse and coercion. This too has to be removed.

21. I will not allow the state to bully my children into school when it is not in their best interests.

- a. As a parent, legally and morally, I am the one to advocate for my children and determine with them what is in their best interests, not a member of council staff.

- b. How can a council employee have a better understanding and more valid view of what is in my children's best interests than the parents who love and care for them, than the parents that the children daily engage with and confide in?
22. To refuse further requests for deregistration within 6 months of one being refused, trapping children in cycles of trauma and school-based abuse, and denying them suitable education, all based on the subjective opinion of a council employee, would be bad enough – but to include this clause with no independent appeals process, no tribunal system, let alone no swift redress, is unthinkable. The secretary of state has never repealed a school attendance order, the local government ombudsman does not consider such cases, and just how can a family afford to mount a judicial review?
23. Current legislation allows LAs and SS to access emergency rulings to protect children they determine to be at risk. The extra restrictions given in Section 24 are not required and should be removed entirely.
24. In relation to the extraordinary concept of imprisonment for parents seeking to protect and educate their own children, for example by not following the decision of a council deciding to issue a SAO because the parents know that it is not in the child's best interests, the Bill would mean that parents once found guilty could be prosecuted again for the same offence, reversing current case law. I already hear talk from loving home educating parents countenancing the concept that they may have to face imprisonment for protecting their children from the damage of enforced school attendance.
25. At present, the only way for parents to challenge unjust School Attendance Orders where it is not in the best interests of the child to go to school is through the courts, with no independent appeals or tribunal service and no accountability for the actions, conduct and decision of council staff. That is bad enough. However, the Bill, rather than addressing this, places even greater deterrents to families to challenge unjust and incorrect decisions by council staff through the courts by increasing the penalties that parents would risk facing. It is worth bearing in mind that magistrates have no training in home education or alternative educational pedagogy, that local authorities have the power of their legal teams and representatives at such court hearings, whereas parents are on their own in funding for their children's rights and education, unless they have the money for legal representation as well as the money to pay any fines if unable to adequately explain their case to the magistrate. Do you have any concept of the stress and trauma this puts families through when fighting for their children's rights to education and family life?
26. The government and DfE have acted immorally and unethically by

- a. Making home education to be a scapegoat,
- b. Shifting blame from shortcomings in safeguarding (for example all the many times being in the school system, being known to social service and being through the courts failed to protect poor Sara Sharif),
- c. Shifting blame for failures in the education system and spending money punishing home educators by enforcing bureaucratic regimes of reporting,
- d. Punishing children for benefiting from learning by non-school-like approaches by enforcing their parents to comply with the types of education that so often have already failed to engage them (timetabled, “lesson” based, pre-planned, adult led, performance-based approaches to meet the demands of council staff with no personal experience of other methods of education
- e. Threatening parents who seek to advocate for their children.

27. Permission must not be required from councils to deregister a child if they are subject to investigations under s.47 of the Children’s Act 2004 is wrong, as nearly 80% of investigations ultimately conclude no cause for concern.

- a. There is too much of a conflict of interest for a council that is responsible for state education to also be the determiner of whether a child should or should not be home educated, as to do so would frequently be perceived as an admission of “failure” of their own provision.
- b. Beyond this, child protection plans are put in place for a whole range of reasons, with concerns of neglect or abuse within the home being only one of these, and with reasons including abuse within the school system.

28. Councils are often intrinsically biased in favour of schools and often do not stick to existing lawful remits.

For just one of so many possible examples of both, note the content of this scrutiny committee meeting where a director of education openly state the aim of “getting children back into school” rather than respecting parental and children’s choices and decisions of what is in their best interests. The same director goes on to state that “Our ultimate aim is for all of our young people to be in school” – note the chilling use of the possessive pronoun “our” when speaking of other people’s children. Beyond openly exhibiting such personal biases, the same director then goes on to describe how an unlawful process for deregistration I being promoted and encouraged by council staff, namely non-compliance with Pupil Registration Regulations. For a headteacher to not comply with this is a criminal offence that places them liable to prosecution, yet the education department of the council are openly encouraging this, promoting it before a council scrutiny committee. As stated, this just one of many potential examples of bias and overstepping of lawful remit that home educator could tell you about, if only you gave the opportunity, Whist that is an example from a Welsh LA, overstepping and bias can be demonstrated in so many LA across the UK. This demonstrates how such departments cannot be trusted with further, let alone such unprecedented and wide-ranging powers.

https://nation.cymru/news/concerns-raised-over-increasing-numbers-of-home-schooled-children/?fbclid=IwZXh0bgNhZW0CMTAAR00WmkzrAQUHzwMfaYrVikTScsoM5fMmfEaRgNE-yuMF6lcTDuVhldDuhl_aem_ul74iNyYSl_oPBf-Q_cZDw/. The content of that summary article can be confirmed from the recording of the meeting in question.

29. The trauma of forcing children to be separated from their loving families, friends and communities, have their education interrupted and be forced into schools where they may well already have had experiences of trauma, abuse, bullying or neglect of educational needs is unacceptable for any child, but to deliberately automatically cause such trauma to children who are already considered to be in a vulnerable position for the reasons that have caused a CPP to be put into place is beyond comprehension. The thing that these children need more than ever is continuity and a sense of safety and familiarity, to have the least disruption to their lives as possible. Councils and social services **already** have the power to intervene in individual cases if they have cause to believe a child is at risk in the home of abuse or neglect, or if they have cause to believe that the child is not receiving suitable education. As we have seen so tragically recently, it is not using existing powers that fails children, and to say that lowering the threshold for intervention to thereby traumatise vulnerable children is counterproductive is a profound understatement.
30. The concept of schools being a place of safety and homes being a place of suspicion must be challenged.
For just some examples,
- a. One child is raped in school on every school day, and in primary schools alone three sexual assaults are reported to the police every school day (Women and Equalities Select Committee report, 2016).
 - b. Sexual abuse online and harassment 'normalised' in schools - 9 out of 10 girls in school had received unsolicited images and been subject to sexist name calling (Ofsted report, June 2021).
 - c. Around one third of year 10 schoolchildren surveyed had experienced bullying over the previous 12 months (DfE, 2018)
31. Only 1% of home educated children are deemed to require SAO.
- a. Yet 10% of state schools are deemed inadequate or “require improvement”.
 - b. At least one third of children leaving state primary schools do not meet the state’s own expectations for basic literacy and numeracy.
 - c. The percentage of state school children who leave school with the former benchmark of school education of 5 passes at GCSE is now not detectable to the public, but it must be eye watering low when less than half of year 11 school children pass maths alone.

- d. So, when the state system does not live up to its own standards, why come after home educators, trying to squeeze or intimidate them to mimic an already failing model and system?

32. The biggest threat of this bill?

It isn't just to the precious vital education of so many home-educated children and young people.

It's handing over to the state the right to intervene in family life, including values and philosophies of how to raise your children, it's handing over to the state our rights to privacy in family spaces.

33. To quote Lady Hale, in her adjudication as part of the Supreme Court judgement in 2016 on the Named Person Scheme in Scotland,

“The first thing that a totalitarian regime tries to do is to get at the children, to distance them from the subversive, varied influences of their families, and indoctrinate them in their rulers’ view of the world. Within limits, families must be left to bring up their children in their own way.”

34. The state already has powers to intervene “if it appears” a child is not in receipt of a suitable education.

- a. We already regularly see local authority staff overstepping and coercively misusing their existing powers.
- b. The state already has powers to intervene if there is reason to believe a child is being abused or neglected, but so often those powers are not used correctly.
- c. Giving yet more powers, ones that create climate of suspicion, animosity, discrimination, subjugation, ones that damage the wellbeing and education of children, is the exact opposite of “safeguarding” or promoting the “wellbeing” of children.

35. Therefore, the clauses that relate to home educated children and to unique identifier numbers must be removed and a full, properly informed narrative engaged upon with those families who would have been most affected by such damaging measures, to ensure that history does not repeat itself.

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