

Written evidence submitted by Anonymous to The Children's Wellbeing and Schools Bill Committee (CWSB77)

1. I write to ask the Scrutiny Committee to accept my evidence of my personal and professional experience and remove the clauses from the Children's Wellbeing and Schools Bill that relate to children not in school and consistent identifier numbers.
2. I am a teacher with a specialist background in working with school leavers who have been failed by the school system. My children are home educated. Despite my professional background we optimistically tried the school system for our children, persevering until we could see how it crushed the creativity and love of learning. I have seen firsthand, therefore, the damage school systems can cause, not only in others but in my own family.
3. May I ask at the outset, where is the impact assessment for the consequences of this Bill, especially on home educated children and young people?
4. May I also ask for the full costing for the implementation of each of the measures proposed by this Bill, including the proposed CNIS register, and where this money will be taken from, alongside an evaluation of what will have lost or fail to be given funding as a result
5. May I also state, as a professional with experience and as a parent, my incredulity at the attempt to introduce the concept that a council employee is in the better place to judge what is in a child's "best interest" than their parents who know and raise them, the parents in whom children confide?
Legislation must always reflect the fundamental principle that parents and families know what is bests for their children and are responsible for ensuring and representing their "best interests" unless there is good reason to believe otherwise
6. It is absolutely vital for a vibrant, pluralistic, diverse and economically thriving society that education is able to take on a myriad of forms and styles and not be a cookie cutter approach.
It is imperative for a healthy society that home education is not just reluctantly permitted, but allowed the autonomy and respect to flourish in all its diversity.
7. Your Bill as drafted will effectively make non-structured child education – the very kind of education that is not just so wonderfully enhancing but also literally a lifeline for traumatised refugees from the school system – impossible. The completely unworkable demands for tedious and unnecessary reporting of details alongside and expectations of only school-at-home like approaches are incompatible with true education, with true child-led investigative learning, with the cultivation of creativity, with approaches to education that cause the neural trees of developing minds to grow and flourish, rather than be harshly pruned and stunted by a pedantic and profoundly limited understanding of how children really learn.

8. May I also add that my professional background in education was actually a hindrance rather than an advantage in home educating. I had to unlearn so much of the approach to education that is ingrained during teacher training, and continually de-programme my understanding of and approach to how children actually learn, making my wife the main person involved in our children's education rather than myself as she is able to approach the children's experience of learning unhindered by preconceptions and entrenched concepts and practices.
9. Have you considered the deterrent effect of your requirements for those who provide educational enrichment into the lives of home ed children?
10. Have you not realised that, rather than promoting home educating children to have regular contact with people other than their families, your Bill actually discourages people from engaging with home educated children in a way that further enriches their lives? Home education is something of a misnomer, as often only a small component of it happens within the home. Rather it is often extremely community based and involved engaging with a very wide and diverse range of people of all ages, which is extremely educationally and socially enriching. Placing duties on parent to report any such encounters or provisions on fear of fines or even prison sentences, places deterrent to such presently wide-ranging engagement with others.
11. Likewise, the requirement to have one's personal details on such extensive databases for unknown purposes purely because of providing additional enrichment into the lives of home educators is a deterrent to any person to do so.
It would make me extremely reluctant as a specialist teacher to take on provision and private tuition for home educated children other than my own, not knowing the implications of information about me being stored or used in unknown contexts.
Any tutors and providers who do decide to continue to engage with home educated children would be likely to pass on the costs of increased admin time to the home educating family, making it even more difficult to access educational input.
12. Furthermore, how can it be necessary to have contact information on anyone with educational input when it is the parent who is legally responsible for provision of education, not them?
13. Are you going to collect data onto databases for all those who provide educationally or socially enriching experiences outside of school for children who are on a school roll?
if not, then this is clearly discriminatory against home educated children.
14. Data is already widely available
 - a. You already have the records of all children who have been registered at birth.
 - b. Headteachers can be prosecuted under the Pupil Registration Regulations if they do not comply with these when a child is deregistered, which include a requirement to record the reason for deregistration.
 - c. The national Lost Pupil Database already exists, with its Common Transfer File system also used for home educated children

15. The case of Sara Sharif has been dreadfully manipulated for political purposes to try to make home education a scapegoat and distraction from failings elsewhere and to further political ambitions and agendas.
However, that case is an example of how data and registers do not protect a child, powers if not used properly do not protect a child.
Instead, proper use of existing powers would have protected this child.
If staff had acted appropriately, deregistration should have been an opportunity to intervene, as the school could and should have notified social services of previous concerns alongside the removal of the child from school,
plus, the education department of the council should have, according to existing powers, checked if there were any red flags and used existing powers to follow up appropriately, including in liaison with social services given known concerns.
A SAO could have been swiftly applied if existing powers had been used to demonstrate that the parents had no intention of providing an education, as well as further engagement with social services.
16. There are known risks to a single ID for children, especially for some of the most vulnerable.
Counterpoint, a previous attempt at databases created under the 2004 Children's Act, was abandoned in 2010 due to the acceptance of the realisation that, "it's not a computer system that will save vulnerable children. It's the performance of the professionals at the sharp end, who need to be properly trained and resourced."
ContactPoint cost £224m to set up and £41m a year to run. The risks were understood even while it was in place resulting in a two-tier approach data protection and respect for privacy of family life to shield a select elite, such as the children of celebrities and politicians.
17. It is already known that such extensive databases (or registers as the Bill refers to them) are not safe. They are also not reliable. For just one example, even today, it is reported that a software glitch wiped Ofsted inspectors' evidence during almost 200 inspections over a three-year period (and incidentally only 4 of those inspections were repeated by that organisation as a result). <https://schoolsweek.co.uk/ofsted-system-glitch-wiped-evidence-during-almost-200-inspections/>
18. The government has admitted that "existing data protection laws already make clear that safeguarding must be prioritised when deciding whether to share information". If so, then why change data protection law at all if it already does what is needed, especially when this would result in a waste of money and time that could have been used to directly help children instead, and when the result is putting them at increased risk of harm.
19. Some parents come to home education as refugees from what has for them been not only a case of shortcomings of the school system but often a traumatic and for them abusive situation, where they may well have good reason to believe they have not been dealt with honestly or respectfully. The need to protect privacy and shield their families from unwarranted suspicion is even greater for such families. The insistence on universal data sharing is even more counterproductive for these families, who have to second guess the consequences of divulging any personal information to any agency, including healthcare. such deterrents to open conversation with any agency,

especially healthcare, are inevitably counterproductive to the wellbeing of families and children.

20. What does protect children is not wasting time and money on families choosing to raise their own children but focusing on the many known and unmet needs of children, be that the lack of provision within schools and the numbers of trained and experienced social workers to address concerns swiftly and effectively if and when arise. As was reported in the media at the time, how many social workers could £224 million have bought?
21. Do you also realise that your government has already made it even more difficult for home educated children to access exams such as GCSEs and A levels, by your introduction of VAT and business rates for private schools.
 - a. Not only do such exams now cost even more for home educators who have to access these as private candidates,
 - b. but also the closure of increasing numbers of private schools further reduces the numbers of exam centres that can take home educated students.
 - c. Likewise, the cuts that private schools are having to make to staffing levels make it even less likely that they would be able to offer access arrangements to home educated young people who need these.

So, government policy has already conspired to make it less likely for home educated children to access this aspect of their educational journeys.

22. To require consent to home educate your children if there is an investigation in place under s47 is ludicrous.
 - a. Most of these investigations do not amount to anything.
 - b. Many CPP are in place for issues that do not relate to risks or parental neglect or abuse.
 - c. The investigation may well be in place at least in part because of school related issues.
 - d. Local authorities are usually intrinsically biased towards school education. For them to admit that it was in the best interests of a child to be home educated would be to admit that their own provision was second best. This is a massive disincentive to even the fairest of local authorities to make the decision that a child should be home educated. There is too much of an unavoidable conflict of interests to have the same authority making the decision about consent to home educate that is responsible for providing the alternative.
 - e. That is just a ridiculous situation that clearly has not been thought through, and most certainly not countenanced by anyone with experience of how biased against home education local authority staff and directors of education can be, who can even openly admit that they want all children to be in school
 - f. This also does not reflect an understanding of how often councils overstep existing remits and deal unfairly or unlawfully with home educators.

23. Instead, an instruction to deregister a child who is under investigation under s.47 can and should be, under present powers, a natural opportunity for the agencies involved to consider the situation of the child and use existing powers to intervene if required.
24. To frame the concept of home visits as a “*request*” under the conditions stated in Page 59 line 37 is disingenuous. Rather, this “request” is obviously coercion, as if the parent does not agree, then they are likely to face a SAO. “consent” obtained under coercion is most certainly not true consent but enforced compliance against the will of the parents and children involved. This is unacceptable, even if handled by the best of LAs, but in the hands of the worst, this is openly abusive and destructive to the wellbeing of children and families.
25. Thus, I request that the sections of the Bill that deal with home educated children and unique identifier numbers are removed, and at the very least extensively reviewed and revised. That will take time and therefore would be most appropriately done by removing from the present Bill to allow sufficient time for this process.

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