

Written evidence submitted by Kathryn and Ben Wilderspin to The Children's Wellbeing and Schools Bill Committee (CWSB81)

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Summary of concerns:

- The proposed changes in sections 24-30 is vastly disproportionate to what is needed to assess the educational provision of Electively Home Educated (EHE) Children.
- Section 434 gives the LA ultimate power to decide on the best interests of the child, overruling parental responsibility.
- The inclusion of much of information stored on the proposed register (Section 25) is again disproportionate and will not improve education or safety of EHE children.
- 463C d& e show a lack of understanding of the realities of EHE provision. The requirement of all providers to be included on the register will undoubtedly limit access for EHE children, limiting their opportunities and horizons.
- 436i 2c allowing access to the private home is again disproportionate and likely to be carried out by under qualified officials, which is a safeguarding risk to families.

Introduction:

Kathryn and Ben are home educating parents. Kathryn is an experienced primary school teacher of 15 years.

Written Evidence:

- 1) The proposed changes in the 'Children not in school' will negatively impact Electively Home Educated (EHE) Children and their access to a holistic education, which for many is a key drive behind the decision to EHE. At its core, it sets a precedent that the LA knows the best interests of the child above their own parent. Other than in serious safeguarding situations there is no other section of society where state employed officials are deemed to have greater power than the parents to determine the best interests of the child.
- 2) The changes to enable the LA to override a parents decision to deregister a child in a wider range of circumstances as laid out in Section 434a is concerning. As most people, and most LA education officers, only have lived experience of schooled education they are likely to hold preconceived ideas that school is in the best interests of a child. On addition, no official knows the reality of a child's lived

experience of attending school and the impact on health and wellbeing from either paperwork or short meetings with the child.

- 3) It is especially concerning this new powers are targeted at SEND children. Considering that state funded SEND provision is in crisis; with many pupils awaiting spaces in specialised settings for years and those in mainstream having their support and funding decimated over recent years. In my role as an experienced teacher I have seen how the reality of this has played out for many pupils with SEND , the reality is there is no money to offer the additional support and adaptations needed within the classroom. Targets and personalised learning strategies listed on Student Support Plans are lip service. The professionals have the best of intentions of providing the support required but lack the resources, time and support to do so in the current climate. This obviously has a detrimental wellbeing on the learning and wellbeing of SEND pupils within the state system. To give the state, who is fundamentally failing them through funding decisions, the power to keep child in an environment that is failing them does not improve wellbeing and education for these pupils.
- 4) Whereas, the intention of Parliament may well be that the proposed changes in sections 24-30 of the Bill have little implication on the majority of Home Educators, in practice the impact will depend on the Local Authority (LA) under which a family lives. LAs across the country are very mixed, some are supportive and respectful of the Home Educators under their remit and carry out checks of suitable education appropriately within the current legislation. However, there are other LAs who already overstep their duties expecting more regular contact than they are entitled to, attempting to meet children without parents, turning up unannounced at homes and demanding access, wanting to keep examples of work on file, pushing certain styles of education as 'better' than others etc.. If the Bill was to pass in it's current form, this has the potential to be the lived experience for most Home Educators. Ignoring the impact constantly trying to defend that you know your child's needs, next steps and achievements better than a stranger tasked with judging your provision has on the parents, more importantly it takes away time and energy from the task at hand – educating young people to reach their full potential.
- 5) The proposed register in Section 25 is often cited as necessary to ensure the safety of Home Educated Children and ensure their education is suitable. The LA already have a legal duty to ensure all children in their area receive a suitable education, they have the powers to issue School Attendance Orders where suitable education is not taking place. But these are rare showing that vast majority of EHE Children receive a quality education. Especially, if you compare this to the numbers of children in state funded education who attend schools who are rated inadequate or

requires improvement for 1 or more areas, or the large proportion of schooled children who do not make expected progress each year. The LA can and does already assess the suitability of education of EHE children, how would a register assist the in improving educational outcomes?

6) As for the safeguarding element. The register will not find any children currently 'missing'. Nearly all EHE children are visible to authorities and their communities. They are registered with doctors, dentists and school immunisation teams (the only way to access childhood vaccinations past age 5) and access clubs. Due to the nature of their education they are more likely to be out in the community visible for all to see. The LA already uses the information about these children to determine who lives in their area and is their remit to assess if suitable education takes place. Any parent who wishes to keep their child hidden from authorities for nefarious reasons would have to work exceptionally hard to do so and would not register simply because of a new Law. The register will simply collate a lot of sensitive information on the Home Educated children already known. How does the government feel that the proposed register will improve safety?

7) We are exceptionally concerned about the proposed content of the register as laid out in 463C and are concerned that the government has not adequately considered the potential far reaching implications of it's implementation on the opportunities afforded to EHE children.

The inclusion of 463C 1 d 1e show a gross misunderstanding of the realities of EHE in the UK. Home education is broader than merely replicating 'school at home ' as seems to be assumed, with many families adopting a child directed learning, semi formal or project based learning approach. For nearly all, education takes place in the context of the wider world throughout the child's waking hours, making it impossible to fulfil either 1d accurately. For example, within our family we adopt a play based, child led approach as this suits the needs of our child, throughout the day we facilitate their learning through activities, questioning, conversations, observations etc. Much of which occurs in the moment and is responsive to their emerging needs and understanding. It would be impossible to accurately notate which parent provided how much education within any given period. The child is actively involved in learning about the world around them for the 12hours they are awake, exactly which parent was the one guiding them through changes depending on working schedules, areas of expertise, commitments etc.

8) Even if divvying up the time each parent spends educating their child was a doable task, it concerns us that the authorities feel the need to keep a record of this. Surely all the LA needs to be aware of is that a child is receiving a suitable, effective, full-time education. The parents of a home-educating family have taken the

responsibility of providing an education for their children on themselves, how they choose to approach this and divide the task should be down to them without undue monitoring from the authorities. By keeping a running tab on the hours each parent provides could this not open up an individual parent to potential issues with an LA should their personal number of hours drop, which could be due to any reason such as change in job, health etc. It also causes the potential for conflict between parents where they are separated but both retain responsibility, creating unnecessary conflict which can never be in the interest of a child.

- 9) The inclusion of 1e is even more troubling and we can see serious implications for the Home Educated children being able to access clubs and activities. We assume the government has included this with the ill-informed view that this would be list of tutors, online schools etc., and the inclusion would be another way of monitoring unregistered schools (something again which there is current legislation to protect against). However, as discussed above for many EHE children their education is wider and more holistic than the narrow, regimented curriculum provided between 8:45-3:25 in a school. Sports clubs, forest schools, art clubs, Scouting & Guiding, orchestras, free-play social groups, drama classes, swimming lessons etc. Make up a valuable part of many home – educated children’s academic and social learning. Can the government honestly say that the leaders of these groups will be ubiquitously happy to have their details added to a register, and therefore, to be taking responsibility for part of that child’s education? We suspect many will not. With LAs being obsessed with inaccurate stereotypes around socialisation and Home Education, referencing the opportunities for developing social skills is currently a key part of responding to LAs enquiries. Simply not including details of these clubs on the register would cause disparity between the register and responses to the LAs enquiries, opening parents up to the whole array of consequences for not complying laid out in the Bill.
- 10) This would potentially open up issues or access to home educated children into groups, where due to a leaders hesitancy to be included as an educators on the register, EHE children would then be unable to attend in fear of falling foul of this proposed legislation. There is currently no requirement for parents of schooled children to provide breakdown of other people responsible for their child’s learning outside of school even though this often includes tutors and the same groups mentioned above.
- 11) Many institutions such as swimming pools, gymnastics clubs, climbing walls etc. Offer separate Home Education classes during school hours, there is an incredible wealth of support and opportunities provided to the community by businesses. Again, with the requirement to register the leaders of such groups as having

responsibility for part of a EHE child's education is likely to impact the willingness of many to continue to provide these opportunities. This would have a negative impact on the education and emotional wellbeing of the children this Bill is seeking to protect. It would limit the freedom of EHE to pursue their passions, interests and talents, which is often a key element as to why children benefit from a EHE environment over a school.

- 12) 463C1e also raises issues with the willingness of wider family to be involved in the lives of home educated children. A trip to the museum with grandparents for a schooled child would be seen as a fun day out (despite all the obvious learning opportunities and the fact that for that day someone other than the registered school is providing education for that child). For an EHE child under the proposed legislation, it is a day of education without the parent present and so would need to be included on the register. Again, there are likely to be many who would not want their interactions with a family member monitored by the state.
- 13) The inclusion of 462c 1e on the proposed register is exceptionally alarming. We can see the potential for it to have massive implications on the community . It's inclusion is likely to negatively impact the opportunities available to EHE children, in a way that it would not schooled children. It could be argued therefore, at it's very core it is discriminatory. It's inclusion shows a lack of understanding of the realities of Home Education by those who drafted it and it's potential inclusion could have long standing detrimental impact on the wellbeing, opportunities and education of EHE children.
- 14) There are also concerns over the volume of very sensitive data being collected on EHE children. 463C2a expects a record of a child's protected characteristics. In most other situations people have the option of 'prefer not to say' with regards to their sensitive protected characteristics. Personally, we would not grant the LA permission to store such information on my child when it has no bearing on the suitability of the education they receive or their safety/wellbeing.
- 15) More alarming is the inclusion of section 463 C2k, which appears to give 'carte blanche' to collect and record any information pertaining to the child without limit or restriction. This needs to be removed, why is one section of society expected to hand over any information demanded by the whim of an authority or Secretary of State for Education?
- 16) The depth of information being stored on the register seems disproportionate for the intended outcome. If the intended purpose of the register is protect the wellbeing of

children through 'knowing where they are' and monitor education, then the register only needs to contain 1a, 2c-h, 2i, 2j.

- 17) We are also concerned about so much sensitive information being stored in one place. LAs across the country do not have a good reputation within the EHE community for data protection, it is very common to receive written correspondence with another child's full name, Date of Birth or address on it. Currently, staff within LAs seem unable to fulfil their GDPR duties with regards to sensitive information they hold. If the Bill passes in its current form they will have access to even more data which needs to be kept safe. Data breaches and cyber attacks are common place in the modern world, and the more sensitive, personal information that is stored in one place the more appealing it could be to such criminals.
- 18) We also have concerns that proposed Bill give legal rights for the LA to be able to enter the home of an EHE child as laid out in 436i 2c. The Bill states that this is for parents whom a preliminary notice has been served, but as was mentioned earlier, it is not uncommon for LAs to overstep their remit or demand information/visits they are not entitled to in the name of carrying out their investigative enquiries. We are concerned that the inclusion of this would lead to a massive infringement into the private lives and spaces of families by LA officials with little or no training. We cannot think of another situation where entrance to a private family home can be insisted upon, unless there are serious safeguarding concerns. In the case of the latter this would be the remit of Social Services and/or the police, not a LA Education Officer. Becoming a Social Worker and developing the skills assess the suitability of a home takes years of study and then supervised training, and even then we all acknowledge mistakes are made. Yet the proposed Bill is advocating for people with no training requirements to allowed access to a family home and pass judgement on it, presumably in the context of safety and/or education – both areas they are not required to have formal training in. Personally, I would not feel I was adequately safeguarding my child if I was to allow an individual unfettered access to our private home, without being sure they were adequately trained for the task at hand, which unless there is a complete extensive, expensive retraining of LA officials they would not be.
- 19) Although it is not explicitly written in the Bill, it is safe to assume that LAs would expect to see the child in the home. The Bill does not consider the potential impact of this on the wellbeing of the child, particularly bearing in mind that there is a high percentage of Neurodivergent children within the EHE community. Speaking to strangers, having them enter the safe space that is the home, being expected to answer questions on the spot is potentially exceptionally distressing for any child, and even more so for those who are Neurodivergent. In addition, it is unlikely to aid

enquiries into the suitability of education. If it was then Ofsted could be abolished and the education provided by schools judged solely on a single conversation with a single child.

20) The inclusion of this part of the Bill is exceptionally worrying and again seems disproportionate. Where there are genuine Child Protection concerns then entrance and inspection of the home should be carried out through referrals to Social Services, who have the skills and training necessary. Otherwise, there is no reason for officials to be able to access a private family home for their enquiries.

21) Finally, we would like to query the cost/benefit analysis of the proposed changes. The implementation and upkeep of the proposed register alone will be a cumbersome bureaucratic task, is this the best use of the limited public funds available? Funding per head in state schools has dropped significantly in real terms, funding for SEND support has been similarly cut. Although the reasons for home educating a child vary, many families have been effectively forced into it through lack of adequate provision or support for their child in schools. Others, such as myself, are too acutely aware of the rapid decline in standards, lack of funding, an obsession with knowledge over skills, outdated curriculum, marginalisation of SEND pupils, a 'one size fits all' pedagogy and narrowing of opportunities in state education through our professional roles to entrust something as precious as our children's future to a school. In times when we are constantly hearing of 'financial black holes' and the difficult financial choices government has to make, is implementing a register of unnecessary and sensitive information on the EHE families the LAs already know about, the best use of funds?

22) Overall, many of the proposed changes in the section on 'Children not in School' seem disproportionate. Whether intentional or not, it places suspicion on the Home Educating family and demands more from them, more access to their private information and even their private home than it does of parents of schooled children. Whether a child is in school or Electively Home Educated EVERY parent has a duty to ensure that their child receives an efficient, effective, full time education under the Children's Act 1996. For those who choose a schooled route there is no requirement for them to register personal information with the LA, inform the LA of other places their child receives broader education such as clubs, inform the LA of how many hours each parent supports their child's education while not in the school building, inform the LA of any tutors or additional support they pay for or allow the LA access to their homes, even though schooled children are home for ~17.5 hours a day compared to only 6.5 hours in school. For the schooled child the

government and LA seems to trust the parents to know what is in the best interests of the child.

23) For the EHE child, the government and LA feel they know what is in the best interests of the child and family. The Bill will have a negative impact on the Home Educating community. The requirements of the register is bound to have negative implications on the opportunities available to Home Educated children and ensuring parents comply and keep details updated will take time and mental energy away from providing our children with the best education. It grants LAs more powers and for those who already overstep their remit it could embolden them further. It collates a lot of highly sensitive and personal data that does not impact on the wellbeing and/or safety of the child and places it in the control of authorities who to date have shown they cannot keep sensitive information private.

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