

# Written Evidence Submission

## Children's Wellbeing and Schools Bill

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### Introduction

I am a second-generation elective home educator with an interest in how the *Children's Wellbeing and Schools Bill* will impact Elective Home Educators (EHE).

### Executive Summary

In this submission, I will cover the following:

- **Background** - introduction to my home educating history
- **Areas of Concern** - a look at the chief areas of concern in this Bill from the perspective of a home educator; there are many areas of concern with far-reaching consequences which include data protection and misuse concerns
  - *Clause 24*
  - *Clause 25*
  - *Failure to Address Fundamental Issues Within School System*
  - *Wider Context & Underlying Motivations*
- **Recommendations** - more time given for consideration

### Background

1. I was electively home-educated by my parents for the whole of my school-aged life, along with my eight younger siblings (~1989-2002). Obviously, the majority of this was in an age before personal computers and the internet. We made extensive use of libraries and were surrounded by books, even some of my siblings with dyslexia and delayed reading loved exploring books, words and literature. It set us up well to win student of the year awards when at local colleges and go on to have Bachelor's degrees, Masters' and a PhD, with one of my siblings starting a Maths degree before turning 13.
2. We were unknown to the Local Education Authorities but far from invisible, known to so many, including doctors, dentists, shopkeepers, neighbours, librarians and local churchgoers. Our family income was so low that we would have qualified for free school meals. We had the freedom to explore our interests, mix with all ages and, as adults, become tax-contributing, fully engaged members of wider society.
3. I appreciated and valued this alternative route for education so much that I decided to become an elective home educator myself to give my children the freedom to flourish outside a formal education system. I have four children who have never been

to school; they enjoy a broad education, which includes music, politics, art history, ICT, medieval literature, maths and sciences. They have a wide circle of friends and learn both at home and with other, more structured, groups.

4. My children love to learn in a primarily autodidactic way with my role (for those of secondary-school age) being to organise, facilitate and guide. The internet has made so many more things possible since when I was educated at home. They each have clear plans for when they move on from elective home education. My 17-year-old has just started an apprenticeship at a local library; my 16-year-old is getting ready to go to college for an engineering BTEC; my 13-year-old is pursuing a path in computer programming and graphics; and my 10-year-old is enjoying the freedom to explore history, literature and engineering while she decides what to specialise in post 14-16.
5. My children are unregistered, have had no stress from contact with unnecessary inspections and are fully engaged with the local community and the wider world. They have and are flourishing in the freedoms and safety that the UK legal system already affords elective home educators.

## Areas of Concern Surrounding the Bill

6. The Bill, as it relates to Elective Home Educators, shows a disproportionate lack of understanding of the communities it will impact. It leaves the door wide open for discrimination of protected characteristics and misuse of powers.

### Clause 24

7. This clause says that Local Authority consent would be required for certain children to be Electively Home Educated. This would give a disproportionate and undue amount of power to LEA over the educational choices of a child. This clause would be open to misuse, particularly if those making the decision are not trained in an understanding of the child's SEN and the educational benefits of Elective Home Education for that child. It fundamentally removes parental responsibility without a chance for a legitimate process.
8. It also has a potential impact in domestic abuse cases by leaving space for an abusive partner to be involved by endangering the abused parent and/or child by sharing sensitive information.

**Main concerns: Privacy & Data Protection, Danger to Vulnerable Parties, Potential for Misuse**

### Clause 25

9. There are so many problems and questions with the registration proposed in this section. I have picked out just a few sections:

**436C (1) (b)**

10. In the case of an abusive parent, who gets to decide if it's appropriate to get the abusive parent's information, or if it's safe for that abusive parent to know a child is electively home-educated?

**Main concerns: Privacy & Data Protection, Danger to Vulnerable Parties, Potential for Misuse**

**436C (1) (d)**

11. The amount of time spent educating is impossible to quantify for an Elective Home Educator. This wording shows a complete misunderstanding of how the majority of Elective Home Education works and infers that learning only happens when an adult is teaching. It implies that only formal learning counts as education.

**Main concerns: Lack of Trust & Understanding, Lack of Clarity & Oversight**

**436C (1) (e)**

12. Expecting details of organisations and websites may well mean that many services will deny access to home educators. It places unnecessary, unfair and undue expectations of extra administration. Only formal, structured learning could realistically meet this registration format in full. Again, it shows a misunderstanding of how home education works.

**Main concerns: Undue pressure, Loss of Educational Providers, Lack of Clarity & Oversight**

**436C (2) (d)**

13. Most LEA EHE teams currently check for any historical social services involvement, but keeping such information on a register is stretching beyond the fair limits of its use. This is particularly the case for those Elective Home Educators who have been subject to malicious referrals, which, without proper context, could be flagged up on the register and cause unwarranted issues.

**Main concerns: Undue Pressure, Privacy & Data Protection, Lack of Clarity & Oversight, Potential for Misuse**

**436C (2) (k)**

14. It is undemocratic and dangerous to leave an opening for the Secretary of State to amend the proposed register requirements without further parliamentary scrutiny or the opportunity for Elective Home Educating families to be consulted. It gives a strong impression that the State does not trust parents or want them to have a voice.

**Main concerns: Lack of Trust, Loss of Democratic Voice**

**436C (3)**

15. This gives Local Authorities a *carte blanche* to ask whatever they want, leaving a family who refuses open to a fine and potential court action.

**Main concerns: Undue Pressure & Court action, Privacy & Data Protection, Lack of Clarity & Oversight, Potential for Misuse**

**436C (5)**

16. There is a realistic worry regarding breaches of data protection.

**Main concerns: Privacy & Data Protection, Lack of Clarity & Oversight**

**436D**

17. This adds far too many complications for Elective Home Educators to continue to access many learning sources and there are concerns that learning providers will withdraw access due to the burden of data required. It also lessens and confuses the parental responsibility to provide a suitable education.

**Main concerns: Privacy & Data Protection, Lack of Clarity & Oversight, Potential for Misuse**

**Failure to Address Fundamental Issues Within School System**

18. I am concerned that the proposed oversight of elective home educators — which I hold is an unnecessary intervention — is also premature. State-funded schools have huge problems which need fixing *before* attention is turned to Elective Home Education. The elective home-educating community in the UK is a broad church but, as a whole, has no confidence in the legal changes proposed while state schools have so many issues. The sentiment is: Please fix your own problems before we can gain confidence in any oversight of us.

**Wider Context & Underlying Motivations**

19. The scope of the Bill relating to Elective Home Education appears to confirm the attitude of suspicion that many in the Elective Home Education community feel the government has towards them.
20. Awful cases such as Sara Sharif's abuse and murder seem to be wrongly blamed on a lack of legal restraints on Elective Home Education rather than fundamental failures of Social Services to follow existing child safety laws. This perceived attitude adds to a lack of trust in the Elective Home Education communities towards local authorities.

**Recommendations for Amendments and Further Action**

21. To enable the legal changes proposed by the Bill which affect the formal school system to progress, it would be beneficial to amend and divide the Bill into two: One for the school system and education systems run by the local authorities, and one relating directly to Elective Home Educators.
22. Splitting the Bill into two parts could allow for more dialogue time with the Elective Home Educator community.
23. It would be hugely beneficial to run a separate consultation with the whole home education community, which is constructively listened to. Experts such as Michael Charles, Dr Naomi Fisher and Jenn Hodge among others would be important to consult before releasing the next draft of any legal changes which impact Elective Home Educators.

## **Conclusion**

24. This Bill, as relating to Elective Home Educators, is poorly constructed and seeks undue and unnecessary powers. It will disproportionately impact the community, further eroding trust and confidence in the government and local authorities, while complicating the responsibilities of the parent in providing an education suitable for the child. Powers necessary for the protection and wellbeing of electively home-educated children already exist.