

Written evidence submitted by Teri Pease to The Children's Wellbeing and Schools Bill Committee (CWSB95)

Written evidence submitted by a home educator in a personal capacity. I have a special interest in the Bill as we home educate our son, and the Bill as it stands will be detrimental to him and his education, as well as our privacy and quite frankly, our way of life.

Executive Summary

The Bill gives the local authority (LA) much more freedom to cause more harm and decide what is best for my child. It assumes home educating families are guilty until proven innocent, imposes an excessive reporting burden on them, and infringes on their family life rights in ways that no other family is expected to endure.

- Current legislation is ample – the issues are that it is not always followed and is generally underfunded.
- My chief areas of concern in this Bill, from the perspective of a home educator. These concerns include (covered in clauses 24-29):
 - General vagueness in the Bill wording and lack of definitions and clarification giving way to far-reaching interpretation at an LA level and beyond
 - Unique identifier, data breaches, and subsequent fear of accessing public services
 - Mandatory register and the data/processes/fallout involved in that including likely withdrawn opportunities from current resources
 - Punitive large fines and incarceration
 - Support (or lack thereof)
 - Obligatory home visits and consequences of declining
 - Lack of recourse for parents
- Recommendations:
 - Amend or exclude many parts of this Bill, particularly in relation to Clauses 24-29
 - Meet with and take evidence from Education Otherwise, the home education charity
 - Invest time, money and effort into better applying and following existing laws and systems rather than introducing many sections of this Bill
 - Have a consultation with the home education community and consult with experts such as Dr. Naomi Fisher, Michael Charles and Jenn Hodge alongside Education Otherwise before releasing the next draft

Background

We have electively home educated our son since he became CSA. One of our many reasons was the freedom to learn in his own way and at his own pace. We want him to have *all* the opportunities, not just those awarded by one school. We believe the current school system can only attempt to provide a 'one size fits all' approach. By home educating, he can delve into topics to the depths he wants, with no restrictions. He can follow his passions, know his mind, and learn those things relevant to his

life, not solely those subjects forced upon him by following the National Curriculum. One of the key benefits to us of home education is that it is NOT school at home.

Our son is thriving and loving HE life. I worry how different this could be should we ever be forced into sending him to school. I cannot help but think that should this Bill be enacted in its current form, how many of our rights will be eroded?

1. The current legislation, processes, and guidance are ample. They should be followed consistently to be more effective and funded correctly to help facilitate this. The government wants to ensure that “no child falls through the cracks” – now obviously we all agree that children should be kept safe however the proposals in this Bill will not achieve this aim, nor will they protect every child as is purported.
2. Any child who has ever been in a school and deregistered will be known to the LA via the current, perfectly adequate deregistration process. Currently, the government allows Elective Home Education (EHE) teams within the local authority (LA) to make informal enquiries of the home ed community to satisfy their duty of identifying children missing from education (CME). We provide detailed information in response. In most LA areas this is considered satisfactory as it shows our child(ren) are receiving an education and therefore fall outside the LA’s remit of CME. I quote from the government’s own website “EHE is also different to children missing education (CME) ...” (<https://explore-education-statistics.service.gov.uk/find-statistics/elective-home-education>)
3. There are already escalation processes in place for concerns about education and safeguarding. If concerns are raised about the child, then the EHE team can take action, as can children’s services. It has been proven over and over that children have been known to authorities but *still* not protected. There is also no serious case review of a harmed child where the child was home educated and wasn’t already known to services. Services failed those children; innocent families should not be persecuted for those failings. I see no benefit for any party in this Bill’s wording related to home education and I sincerely hope you will use this opportunity to amend or exclude many of the parts of this Bill, particularly relating to Clauses 25-29.
4. Far too little is left undefined in this Bill. Examples include: “Parent”. “Education provider”. “Independent educational institution”. “Education”. The Bill in general is far too vague in many areas and therefore open to interpretation by LAs; who have proven time and again that they overstep and lie. This is very dangerous. Also, we cannot rely on guidance and any definitions should not be included in secondary documents, they should be within the legislation to avoid misinterpretation.
5. I am concerned about the proposed introduction of consistent identifiers and an ID number relating to a child that can be shared across all services. Governments should work on consent, not imposition. This could be totalitarian in the wrong hands even if the intentions may be benign. This approach leaves our information vulnerable. Will the UI be discarded once my child is an adult? What else might it be used for?
6. It is highly unlikely that any database would be secure enough; no database can be fully secure no matter what safeguards are in place. AI gives no additional security. Data breaches are

inevitable. What about the children of celebrities/royals/MPs? Are they going to be shielded? Why them and not our children? Section 436Q data protection doesn't provide anywhere near enough. Also, please do not decide that my child is vulnerable when I am a loving, caring parent.

7. Related to this as well is the danger that families may feel less inclined to access public services such as GPs for fear of data being shared. I certainly feel this way. I can't bear to think about the potential impact on my child and family if I fear taking him to the GP when in need, for fear of repercussions from my LA that somehow this is conflated with him not receiving a suitable education.
8. I am also particularly concerned about the proposed mandatory register and the data we would be required to provide. The obligation to provide information about the hours of home education and the identity of any "education provider", for example. What is the "prescribed time"? An hour a week? Six hours a week? What is an "education provider"? Is it the people who run the regular and ad-hoc classes my son attends? The dance teacher, the gym instructors, the swimming teacher, the climbing coach? Each of those classes lasts maximum of an hour a week. Is that the prescribed time? Does it also include the odd Twinkl online class he accesses, the ad-hoc nature show he watches, the online class he tries but doesn't get on with so doesn't continue with, the random man at the post office line who chats with him about dinosaurs? Where does this end? This again is far too vague. The reality is unrealistic; I would spend more time collating data to show where my son is gaining an education than actually providing it in the first place. Anyone who has ever home educated knows that education happens all over the place, and at any time. Education is not restricted to a 9-3 timeslot nor is it restricted to happening in one place. This Bill only goes to show that the DfE cannot understand EHE. As for the question of "the amount of time that the child spends receiving education" the only answer can be 'every waking hour'. The data required for the register is extensive and far beyond what should be required, plus it is impracticable.
9. A child's protective characteristics are also noted as being required data (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage or civil partnership, and pregnancy and maternity). This massively oversteps and is intrusive. What would this data be used for? Data should only be collected if it is relevant, surely. Almost everything on that list (save for age) is irrelevant to my child's education.
10. Amendments 436C (2)k "any other information about the child's characteristics, circumstances, needs or interactions with a local authority or educational institutions that the Secretary of State considers should be included in the register for the purposes of promoting or safeguarding the education or welfare of children" and 436C (3) "A register under section 436B may also contain any other information the local authority considers appropriate." both leave it far too wide open. There absolutely should *not* be carte blanche provided to LAs or the Secretary of State to obtain information. This is too wide and would be unduly invasive of family privacy and rights.
11. I am also extremely concerned about those education providers who may choose to cease their resource offerings to home educated children due to the penalties/fines/cost/admin time under which they would also be placed. This would have a huge impact on us and mean we might no longer have access to many activities, through no fault of our own. How is that positive for the well-being of my child? He would be deprived of valuable social and educational experiences.

12. There is plenty of evidence of LAs leaking data via mistakes through to selling databases. Why should we give them more data to leak?
13. The penalty for getting this information wrong – even via error and not deliberately – is up to £2,500 fine and a prison sentence of up to 51 weeks. This is massively anxiety-inducing and stressful as well as raising serious legal and ethical concerns. The consequences of failure to register/provide data are far too high and completely unreasonable. What good would it serve any child for their parent to be incarcerated? As a home educating family we already have to foot the bill for everything, with no financial support at all. The proposed fines and imprisonment threats are burdensome and heavy-handed. This is a form of bullying which is unjust and discriminatory.
14. There is a very short section on support but I have to ask; what support? There is no support here at all. Nothing in this Bill will help my child's education; most of it will hinder it. Examples of adequate support would be: exam provisions and centres, with financial support to access those. There is a gaping hole here. Everything is on the parents and education providers, but very little obligation on the part of the LAs other than to use that sledgehammer to crack the nut. It is wholly unreasonable to put the provisions of this Bill in place without providing the support that parents actually require. Examination access at the very least, is essential. There is currently no support offered, whether moral, physical, or monetary. Whilst annoying on some level, this is ok with most home educators because 'support' would likely come with strings attached, and we do not wish to have further intrusion from untrained LA staff.
15. I am horrified at the proposed right of the LA to access my home to determine if it is a suitable learning environment. They may request a visit, but it is unacceptable that the LA "must" consider a refusal a relevant factor in deciding if education is suitable". It's not just the LA as a whole, it's the attitude of the individual handling the matter, and far too often would be based on their personal opinions. I do not want any stranger in my house. I should be allowed to refuse entry with no consequence – our home is our safe space and this also violates our human rights. Should someone be allowed to enter my home (without my permission) I (and my family) would ultimately be judged by someone who is not qualified to do so, who is unlikely to be experienced in HE (given the job specifications in LA EHE staffing adverts), let alone in any other aspect of education/SEND requirements. I know of horror stories where the LA bod didn't like the wallpaper and so deemed the education unsuitable. Where they have refused to leave the premises and the parent was forced to call the police to get them removed.
16. Only the police have the right to force entry into a home; under what other circumstances does that happen? Also, in determining whether my home was a suitable environment, would they be comparing it to a school? Noisy, busy classrooms surrounded by distractions and intimidation. School bathrooms may be locked or children forbidden to use them. Children not free to move around or speak when they want. Not free to regulate their own clothing to control their body temperatures. Those behaviours would be considered abuse (and rightly so!) if they were witnessed in a home environment. Yet within a school, these behaviours regularly happen and are called 'education'.
17. There is no way the LA could know what is a suitable education for each and every child. In order to do this they would need to personally know each child, and understand not only their individual way of learning but also any other factors which could affect them. This also

undermines parental rights. It is not for the LA to decide what is in the best interests of my child as that is the remit of me as the parent. Any individual ever involved in such decision-making must, in any event, be trained in understanding HE law and practice. I also find it ironic that they can decide what a suitable education is when children are EHE yet fail to deliver a suitable education to many children in schools.

18. What recourse is there for parents when LAs get it wrong? For when they “make a mistake” which inevitably can ruin a family’s life? What complaints process is there? Can the LA be fined heavily for wrongful actions, or taken to tribunal? There is no accountability, therefore no safeguards for parents and children from misbehaving LAs. But the other way round is horrific – up to 51 weeks in jail and/or a large fine. This is a bullying approach. The DfE has an anti-bullying campaign every year, yet seems committed to and intent on bullying parents. Parents have no recourse such as tribunal or an independent ombudsman if LAs step out of line.

Recommendations for further action

1. Amend or exclude many parts of this Bill, particularly in relation to Clauses 24-29.
2. I strongly urge the committee to meet with and take evidence from Education Otherwise, the home education charity, on this matter.
3. As there are already laws and systems in place, I recommend that time, money, and effort be put into better applying and following them than into introducing many sections of this Bill.
4. I recommend having a (proper) consultation with the home education community and consult with experts such as Dr. Naomi Fisher, Michael Charles and Jenn Hodge alongside Education Otherwise before releasing the next draft.

Conclusion

There are many problematic areas within the proposed bill. In short, it does not protect the children it claims to, it does not identify children missing education, and it doesn’t safeguard any children. There’s no objective evidence to back up the reasons for the proposals, and there is no protection for home educators who just want to get on with their lives. There is no meaningful support being included, so no benefit to home educators. It truly is a backdoor attempt at banning anything other than a formal school-at-home type of home education, which is generally the exact opposite of a home-educating family.

January 2025