

Written evidence submitted by Jenny and Alexis Massey-Ryan to The Children's Wellbeing and Schools Bill Committee (CWSB112)

Introduction

We want to say that the provisions in the bill that attempt to improve co-operation between government agencies are laudable and we're glad we're finally seeing this. However there are several logical flaws in the bill that make it read as if the bill intends to end the practice of parents and children seeking independent education and enshrining a State-Privatised education system without regard for children's interests.

Executive Summary

In this submission we will cover the following:

Background

Our experience of attempting state education, of that system failing our children, and of the intransigence of local authorities to work with us or provide support.

Areas of Concern

A look at the chief areas of concern in this Bill from the perspective of a home educator. These concerns include:

- The bill still lacks the direction that government authorities must work with Home Educators (436G)
- Use the bill to redress the financial disparity between Home Educators and registered education organisations.
- Several provisions of the bill are abusable by authorities to override free will (434A para 6 b, 436H, 436P para 6, looping s47)
- The imposition of medical examinations for work experience (pg38 In 15)
- Duty to register children section is too onerous (436C, 436D)

Recommendations

This section contains direct text edit suggestions, general policy recommendations, and consult experts and Home Educators.

Background

We are a family that home educates and have been home educating for 4 years. During the first third of primary education we found the primary school that our children were attending returned reports such as "This child has fallen behind in their written work, there is no way to catch them up, there is nothing the parents can do to assist", "This child is always a problem in the classroom", "This child will not be an independent reader this year". Issues continued where the school would inform the parents that there was an issue but would not listen to any advice or accept any help offered by the parents to support the children.

During the COVID-19 restrictions we noticed that our children's mental health and well being improved due to not having to deal with the stress and anxiety of school, they were able to develop a love of learning again and were thriving. As we have progressed in our home education journey our children have flourished, finding new and exciting learning opportunities, amazing us at every turn with their enthusiasm and accomplishments.

Submission

Issue 1; The bill still lacks the direction that government authorities must work with Home Educators

1. Whilst the bill is wonderful in pointing out that agencies related to child protection and education should be mandated to work together, it doesn't recognise that the parents/carers of Home/Otherwise Educated children are also parties interested in the welfare of their own children and the friends and contemporaries of those children. Instead the bill appears to treat Home Educators the same as "Internet Only" schools or "Home Schooling" parents where the latter two are supported by large organisations with deep pockets and the former is probably working full-time to fund and provide the education. Provision 436G defines support as '*advice and information only*' and delegates it only to the local authority to decide that is sufficient advice to give.

Issue 2; Use the bill to redress the financial disparity between Home Educators and registered education organisations

2. Since Home Educators have to pay full taxes, registered education providers can claim back VAT. Thus Home Educators pay full price for educational materials and pay local and state taxes that support state education. If Home Educators must register children outside of school, Home Educators must be provided with a VAT number (or some other method by the exchequer) to claim back VAT on educational materials/visits/other expenditures.

Issue 3; Several provisions of the bill are abusable by authorities to override free will (434A para 6 b, 436H, 436P para 6, looping s47)

3. There are several provisions that are easily abusable by local authorities and domestic violence perpetrators for causing negligent and needless harm to children receiving education due to the overly broad wording in them.

Item 3a; 434A paragraph 6 b

4. 'LAs must refuse consent if the LA thinks the child should attend school or there aren't suitable arrangements out of school' - With no education or development specialists mandated to undertake this consultancy it is down to non-specialists to decide what is sufficient without regard to the child's own interests.

Item 3b; 436H

5. The preliminary notice for school attendance ('notice to satisfy') is abusable due to 436D which only provides 15 days to provide a report. Since many local authorities don't maintain cordial communications with Home Educators, in part due to mutual distrust borne from negative press and misinformation propagated against Home Educators and staff of the local authorities, then the 15 day limited notice is often the

only communication a local authority has with a parent each year. A professional conversant with such remote auditing would normally use a multi-stage auditing process (e.g. ISO:9001) to see if the person(s) being audited are likely to be ready at the mid-point in order to give advice to be followed through for the final audit at the final report of the cycle (e.g. a 12 or 18 month cycle).

6. Thus the timelines for provision of information, to notice to satisfy, to school attendance order are very compressed when one considers that the person being audited is normally the person solely in full charge of the provision of education of the children. As opposed to a registered education organisation that may have a full or part time auditor on staff. Direct local authorities to work with Home Educators to agree upon audit plans, this will increase the quality of reporting and enable a more free flow of information between the different parties interested in protecting children and furthering their education.

Item 3c; 436P paragraph 6

7. In order to prevent a scenario where a school attendance order is identified as spurious, is legally struck down, but is left open and thus is able to be used to enforce prison time and monetary penalties to innocent people - this paragraph must be adjusted (see recommendations).

Item 3d; Looping Section 478

8. Protection of children at all stages of their lives no matter whether they are in or out of education is paramount but with the current provisions could be used as a cudgel to limit the child's access to education that is more agreeable to them. The guidance for Children's Social Services (CSS) that being "out of school" rather than being "out of education" being a risk factor when combined with rate of triggering Section 47s means that for the 224,520 S47 investigations reported by March 2024^[1] there were 49,900 CPPs (Child Protection Plans) enacted. 78% of these S47 referrals resulted in no CPP, meaning that the majority of cases that are referred result in no further action. Hopefully this is because all involved parties did their job and the child is protected, but having S47 as an instant barrier to de-registration could result in a number of things including abusive authorities logging spurious S47s in response to parents or children indicating intent to explore "education otherwise than in school".
9. Furthermore by referring to CSS repeatedly spuriously not only places undue burden on already overstretched staff and covers up children needing real referrals, but causes a scenario where the existence of a S47 triggers a CPP and the court presiding the case would see the evidence of S47 and CPP first and foremost as a credible threat against a child, disregarding whether the S47 or CPP are valid in the first place.
10. The needs and protection of a child is foremost, but often enough schools themselves cannot provide that hence the rate of permanent exclusions being as high as 2008^[2]. Judging by the way class sizes have remained steadfastly at the 30 mark^[3], increasing rate of ADHD and autism diagnoses amongst children in the UK^[4], and the increased rate of exclusions amongst SEN children^[5], we feel confident saying that the school system itself is not conducive to delivering education to the diverse population of the UK.
11. This bill constructed as it is to force children into schools undermines the futures of SEN children who are unduly negatively affected by the UK school system.

Issue 4; The imposition of medical examinations for work experience (17A para 5 a)

12. For provision 17A paragraph 3 there is no requirement for this paragraph due to the prescriptions in paragraph 1. If the child must only do light work within reasonable time limits then there should be no need for the local authority to see medical data or examinations of the child. This is medically-in-confidence-type data that serves only as a discussion between a child considering work experience and their GP. Exposing such data to a local authority serves as a way to extricate incredibly sensitive and personal data about incredibly vulnerable people entering an alien space to strangers and potentially third parties authorised^[6] and unauthorised^{[7][8]}.

Issue 5; Registration data is onerous (436C)

13. In provision 436C paragraph 1 whilst some data is entirely erstwhile (a,b,c) the requirement of (d) is unrealistic if it must be accurate – what is the periodicity for "the amount of time the child spends receiving education"?
14. For item (e) this feels like snooping and will be commercially and personally sensitive when gathered at authority level since people providing education other than school in the form of workshops and online courses will have their entire customer list and engagement rate exposed via this provision. Where is the guarantee that this data won't be used to target individuals and companies that provide alternative education in order to establish a state monopoly on education?
15. 436 paragraph (3) is a hideous spy programme given carte-blanche;
"A register under section 436B may also contain any other information the local authority considers appropriate"
16. This, through negligence or malfeasance, can be used to attach any and all manner of sensitive information to someone's records. Especially when the prior paragraph (2) and its items are a very comprehensive, almost exhaustive list. It would be safer to delete paragraph (3) and adjust by amendment paragraph (2).
17. Furthermore paragraph (4) needs to be amended in order to prevent local authorities going unregulated with such already sensitive data.

Recommendations for Amendments and Further Action

Issue 1

18. Throughout the bill, reduce time requirements on parents by half (multiply time limits by two) on parents Vs organisations for reporting. Add the ability for local authorities to provide material support (*may*) and require local authorities become conversant with effective delivery of home education when providing information and guidance support (**must**).

Issue 2

19. Enable some way for Home Educators to recover VAT or use VAT exemption at purchase.

Issue 3a

20. 436A; Mandate that LAs and parents consult with a education specialist on assessing the best conditions for the child, a specialist who is able to provide

meaningful advice to parents and LAs to improve their own delivery of education to the child.

Issue 3b

- 21.436H; Mandate an audit cycle methodology of reporting with a mid-term pre-audit. Mandate that both the parents and local authority are subject to findings in the audit and that audit findings are non-prejudicial.

Issue 3c

- 22.436P paragraph (6) the text:

"If, in proceedings for an offence under this section, the person is acquitted, the court *may* direct that the school attendance order ceases to be in force."

should be changed to:

"If, in proceedings for an offence under this section, the person is acquitted, the court **must** direct that the school attendance order ceases to be in force."

Issue 3d

- 23.Overall adjustments to the bill to increase resources to carry out assessments, further reduce class sizes, pay special attention to SEN children, and stop coming down on Home Educators as an excuse for failing education systems.

Issue 4

- 24.Delete 17A paragraph (5) item (a).

Issue 5

- 25.436C paragraph (1) item (d), clarify to "full-time, part-time, or outsourced" for ['how much time a child spends in education in total during a week'].
- 26.Delete 436C paragraph (1) item (e)
- 27.Delete 436C paragraph (3).
- 28.Change 436C paragraph (4) from;

"Regulations *may*, in relation to a register under section 436B, make provision about..."

to

"Regulations **must**, in relation to a register under section 436B, make provision about..."

Closing recommendation

- 29.We recommend a full and proper consultation with the Home Education community to establish the strengths and weaknesses of Home Education ('Otherwise Educated') and to serve as a basis for an ongoing conversation rooted in mutual respect between the state and Home Educators to strengthen our children's futures and by extension the future of the UK.

30. Lastly we recommend consulting with and taking evidence from experts such as Dr. Naomi Fisher, Michael Charles, and Jenn Hodge. and Home Education charities such as Education Otherwise (reg 1055120) before releasing the next draft.

Conclusion

31. This bill seems mostly tuned to phasing out Home Education and keeping education reserved to companies and organisations the state dictates which is anathema to British liberal values on individual liberty and at odds with the Universal Declaration of Human Rights' stance that the parents have primacy on educating their children.

32. The way the bill treats Home Educating parents as guilty until proven innocent is also not in keeping with British law that assumes innocence until proven guilty, and this fits when taken in the national media and government policy context that's broadly hostile to Home Education.

33. It isn't *right* though as by presuming guilt of the parents it primarily negatively impacts all Home Educated children who are receiving a better education service than they ever could at state schools which is a missed opportunity to harness a portion of the British population who are willing to give up time, effort, and money to provide an alternative service in educating and bringing up British children in a way the state cannot resolve to despite its very best efforts.

34. At a time when British children's mental health is low^[10], forcing diagnosed and undiagnosed SEN^[11] children into environments of school education that they dislike and cannot thrive in will not have the desired effect^[12]. At a time when Social Workers are so overwhelmed that the government is increasingly falling back on "big data" instead of increasing the number of specialists able to do face-to-face visits, increasing the data burden and doing nothing to increase the number of specialists will not have the desired effect^{[13][14][15][16][17][18]}.

35. And by pitching the government against the people at a time of global civil unrest, when threat actors routinely seed misinformation to sow distrust in the UK, it is a poor time to make rash and broad-reaching policy decisions to appease tabloids and Facebook commentators^{[19][20][21][22]}.

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